



## People's Campaign Continues to Support Brother Jason Hayward

On behalf of the People's Campaign for Equality, Jobs, and Justice we are making the following statement in response to the settlement reached in the suit brought by E. T. Richards against Bro. Jason Hayward.

We would like to affirm that we stand without reservation in support of our colleague, and statements that were made on behalf of the People's Campaign with respect to the manner in which the proposed airport redevelopment has been conducted which was based on information and documentation that we received as a result of a PATI request in Canada.

We believed and continue to believe that this suit represents a growing trend globally and one that has finally found its way into Bermuda, in which it is becoming increasingly common for Governments and/or Corporations to use a method called "Strategic Lawsuits Against Public Participation (SLAPP Suits)" to suppress and silence free speech.

Strategic lawsuits against public



participation (SLAPP) are lawsuits that are intended to censor, intimidate, and silence critics by unduly burdening them with excessive costs for legal defense until they abandon their criticism or opposition to a government, or corporation. Lawsuits of this nature have been made illegal in many jurisdictions on the grounds that they impede, and suppress free speech. Perhaps it is time for such legislation in Bermuda.

This Government is increasingly employing methods that in our view

constitute a fundamental attack on the constitutional rights of Freedom of Assembly, Freedom of the Press, and Free Speech.

We are pleased that this suit has been resolved and believe that time has vindicated and will continue to vindicate our conviction that the proposed Airport redevelopment is bad for Bermuda and is only surpassed by the questionable manner in which it is being prosecuted.

Again, we fully understand the necessity of settling what we consider to be a politically motivated, frivolous suit. While this matter has been settled in the Courts, the court of public opinion has long since drawn judgment on the airport and the questionable conduct of those engaged in imposing it on the people of Bermuda.

Chris Furbert, JP  
Rev. Nicholas Tweed ■



**GRAND RE-OPENING CELEBRATION**  
**SATURDAY JUNE 4TH - 1PM - 4PM**  
 Entertainment, Food, Fun Castle, Free Givaways & Raffle



## Rev. Lloyd Dees – “He Lived the Life He Preached”



Rev. Lloyd Dees (centre) is shown during his visit to the BIU in October 2013 when he traveled to the island to celebrate his 56th wedding anniversary along with his wife, Dolores (far left). Also shown is long-time friend of Rev. Dees, Randolph Hayward, Esq., Brothers Chris Furbert and Collin Simmons.

News has been received in Bermuda concerning the Memorial Service for the much respected Rev. Lloyd Dees, who was the Pastor of Bethel A.M.E. Church in the early seventies here in the island, who passed away on February 4, 2016.

In informing the wide circle of friends here on the island, and members of his local Bethel family, of his passing (and memorial service) after a protracted illness, Mrs. Julia Durham, her daughter, Dr. Shangri-La Durham-Thompson, Mr. Randolph Hayward, and the Hon. Alex Scott, former Premier of Bermuda, extended their heartfelt sympathy and condolences to Rev. Dees' family, wife Dolores, and two children, daughter Janet, and son Jason (who was born in Bermuda).

Mrs. Durham, a community activist and original member of the “Bermudians for Reconciliation”, a pressure group started and led by Rev. Dees and Rev. John Brandon, which paved the way for generations of Bermudians who followed to become active and make their contribution to Bermuda. In this regard, comment on the very large impact Rev. Dees had upon her life, Dr. Durham-Thompson declared that “I was like an adopted daughter to him”. In fact, he had been very instrumental in her attending A&T University where at the time he was the Campus Pastor.

While Mr. Hayward recalled the activism of his friend, Rev. Dees, when he had been instrumental and responsible for the formation along with Rev. Brandon of the “Bermudians for Reconciliation Group” which through its newsletter and activism had managed to, by reporting regularly on the prices of staple products, like bread, milk and the like, both educated Bermudians to their rights and power as consumers. Mr.

Hayward observed that consequently this had led to the lower of prices throughout the competing supermarkets and stores all over Bermuda. In fact, he reminisced that after two pastors had organized a march to Parliament with Rev. Dees, even embarking upon a hunger strike to bring a focus and attention to the very high cost of living in Bermuda. The pastors' activism, and that of the group, had eventually caused the creation of the Consumer Affairs Office by the government of the day.

Rev. Dees became a strong spiritual influence to Bermudian leaders and Premiers. He returned to the island on occasions to support Dame Jennifer Smith in the eventful, historic, 1998 General Election, even writing a poem to salute the landmark victory. Former Premier Alex Scott revealed that it had been the recruitment of himself by Rev. Dees and Rev. Brandon into their consumer group that had provided him with his first involvement in a local pressure group and eventually politics. In expressing sympathy to the Dees family he wanted them to know that Bermuda and Bermudians had been made a much better place and had received a blessing because Rev. Dees had passed this way.

The Durham family led a local delegation to pay respects and celebrate the life and contribution of an exceptional man of God at the Memorial Service and repast which was held at Trinity Methodist Church in Savannah, Georgia, U.S.A.

**Editor's Note:** Rev. Lloyd Dees was a frequent contributor to the Workers Voice, in fact his last contribution was in January 2016. Whenever he visited Bermuda, he would always stop by the Bermuda Industrial Union Headquarters to bring greetings. ■

## 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 [lfubert@biu.bm](mailto:lfubert@biu.bm)

### EDITOR

Arnold Smith  
[ALS@btc.bm](mailto:ALS@btc.bm)

### ASSISTANT EDITOR

LaVerne Furbert  
[lfubert@biu.bm](mailto:lfubert@biu.bm)

### LAYOUT AND DESIGN

Phaedra Howes

### GENERAL COUNCIL REPRESENTATIVES

Shirlene Simons  
David Bean

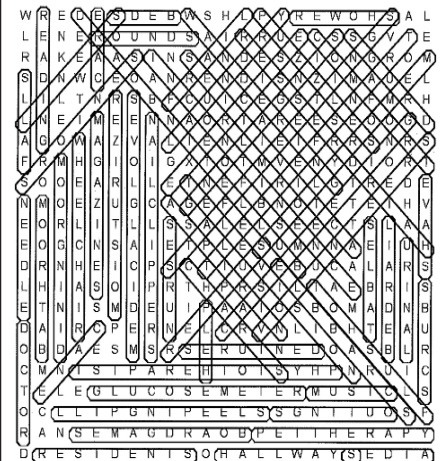
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## PUZZLE • SOLUTION

### NURSING HOME 1

This is the solution to the puzzle located here.



ACTIVITIES	COMFORT	HELP	OUTINGS	SING ALONG
AIDES	DENTURES	INCONTINENCE	PET THERAPY	SLEEPING PILL
ASPIRIN	DINING ROOM	LAUNDRY	PHYSIOTHERAPIST	STAFF MEETINGS
BATHROOM	DOCTOR	LINENS	PUZZLES	SUPPER
BEDRAIL	DRUGS	MAGAZINES	READING	TABLES
BEDS	EXERCISE	MEDICAL GLOVES	RESIDENTS	TELEVISION
BOARD GAMES	FALLS	MEMORY LOSS	ROUNDS	TRANSFER BELT
BULLETIN BOARD	FLU SHOT	MOISTURIZER	SCRABBLE	URINAL
CANE	FRAIL	MUSIC	SCRUBS	VOLUNTEERS
CARE	GLUCOSE METER	NAIL CLIPPERS	SENIORS	WANDERING
CASE MEETING	HAIRDRESSER	NEEDLE	SHAVE	WHEELCHAIR
CHARTS	HALLWAYS	NURSES	SHOWER	

The hidden message is:  
WE SHALL NEVER KNOW ALL THE GOOD THAT A SIMPLE SMILE CAN DO

# It's Time To Stop the Exploitation of Domestic Workers

In my opinion, the Department of Immigration must do something to stop the practice of the importation of 21st Century slaves to Bermuda. I have written about this before, and will continue to do so, as long as I see advertisements in the daily like the two I saw earlier this week. One family has advertised for a “Live-in Child-care Provider” and the other has advertised for a “Live-in Butler-Housekeeper”. What is interesting about both advertisements is that both families are requiring their 21st Century slave to also care for their dogs and other animals. I'm just wondering what the other animals are.

The “Live-In Childcare Provider” will be required to care for four children ages 7, 5, 3 and 1. Additionally this “slave” must also carry out all aspects of housework including basic meal preparation, heavy laundry, and cleaning windows and silverware. He/she is expected to work nights, weekends and public holidays.

The “Live-in Butler-Housekeeper” will be required to clean the owner's house and do his laundry including ironing his clothes. S/he will also be required to take care of the owner's pool, paint his house, take care of his garden, and have knowledge of correct food and drink service for dinner parties.

The only pertinent information that has been left out of both advertisements is the salary. I certainly would be interested in knowing what price tag these employers have put on these positions, especially in light of the call by many in Bermuda for a livable wage.

In my opinion, it is past time for Bermuda's domestic workers to come together so that they can be protected rather than exploited. It is also past

time for the Bermuda Government to ensure that the ILO's Convention No. 189 is adhered to in Bermuda. “The ILO Strategy for action towards making decent work a reality for domestic workers worldwide envisages support for countries that are committed and ready to take measures aimed at improving the protection and working conditions of domestic workers, regardless of whether these involve ratifying Convention No. 189 in the immediate future. With an initial timeframe of 2012-2015, the ILO strategy encompasses actions at global, regional, and country levels in five broad areas:

- Building and strengthening national institutions and, when required, adopting effective policy and legislative reforms and/or programmes;
- Facilitating the organization and representation of domestic workers and their employers;
- Support in respect of ratification and implementation of Convention 189 and the implementation of Recommendation 201;
- Awareness-raising and advocacy on domestic workers' rights;
- Building the knowledge base on domestic work and exchange of experiences between countries to enhance actions and impact at country level.

As I see it, Bermuda's domestic workers need to follow the lead of their Jamaican compatriots and form their own union, or better still, become affiliated with the Bermuda Industrial Union. In March 2013, approximately 58,000 domestic workers across Jamaica formed their own union to represent them, after the launch of the Jamaica Household Workers Union. The union aims to



protect the rights of, and provide skills training for domestic workers.

Unfortunately for domestic workers in Bermuda, most are here on work permits and the threat of deportation is very real for them. However, if these workers came together as a group, that threat would become non-existent, especially if they demanded what domestic workers in New York now have which is a ‘Domestic Workers Bill of Rights’. Among other provisions, this law gives domestic workers:

- The right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer's home;
- A day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day;
- Three paid days of rest each year after one year of work for the same employer.

Certainly domestic workers in Bermuda deserve some protection under the law and it is time for those of you who believe this to come together to ensure that all workers in Bermuda are protected, including domestic workers. And it should not matter that these workers, as most domestic workers in Bermuda are, from other countries. ■

## CCL's Solidarity Message for International Workers Day 2016

The Caribbean Congress of Labour conveys fraternal greetings and salutes your organisation on the occasion of International Workers' Day 2016. It is with a deep sense of profound solidarity that we salute the workers of our region and indeed all workers of the world on this very special day when we reflect on our struggles, challenges and victories over the centuries.

This year, International Workers' Day comes against the backdrop of the continued crisis of International monopoly capital and the sustained fallout from the 2008 financial crash triggered by the greed of capital and its finance magnates. International capital continues to widen the inequality gap, increasing unemployment, expanding national debt, ballooning trade imbalances and in some economies in our region growth stagnation, as well as recession. According to the ILO in its economic and social report on Latin American and the Caribbean:

***"Economic growth in Latin America and the Caribbean (LAC) continued to decelerate, with Brazil - the largest economy in the region - entering a severe recession. The region registered sustained growth in the 2000s, and relatively strong growth at the onset of the crisis, but economic growth began to slow in mid-2011 and the economic outlook has been repeatedly adjusted downwards in receipt year (IMF, 2015d). In 2015, GDP growth in LAC is estimated at 0.3 percent, the second lowest rate worldwide (after Eastern Europe)."***



Our region has been particularly hard hit and only recently the Central Bank of Trinidad and Tobago announced that the country was heading into recession. While there has been some modest improvement of GDP of a few CARICOM countries, unemployment remains high. In fact, the overwhelming number of CARICOM States has rates of unemployment in double digits. The continued loss of jobs is still a worrying feature of the economies of the region. In Venezuela the economic situation has deteriorated dramatically impacted by hostile external manipulation; the collapse of oil prices and aggravated by the severe drought has led the State to implement severe economic measures; only this week it was announced that the work week of State sector employees would be cut from 5 days to 2 days in an attempt to deal with the crisis. The implications for Venezuela must and will have serious and negative implications for CARICOM given that several countries are positive beneficiaries of the progressive, economic and solidarity programme of PetroCaribe and other programmes in medicine and other technical assistance programmes conceived by the late President Hugo Chavez.

In four of the five largest economies within CARICOM, there is severe economic stress. In Suriname hundreds of workers have been thrown on the breadline with the closure of bauxite plants, while in Trinidad the economic slowdown has forced the Government to significantly contract spending. In Jamaica the IMF programme has placed constraints on the ability of the State to tackle poverty and has presented serious challenges to trade unions in their fight for wage increases and maintaining the standard of living of the working class and working people. In Barbados the economic situation continues to be acute. According to the EXECUTIVE BRIEFING of SCOTIABANK ***"the outlook remains constrained by ongoing fiscal retrenchment and elevated unemployment at around 11 1/3%...expected GDP [increase] 1.5% in 2016 and 2% in 2017, up from 1/2% in 2015. Government debt reached 106.8% of GDP in 2015- double its 2007 level."***

In the face of this situation the workers struggles have intensified and affiliates are under severe pressure. This situation is repeating itself throughout the region. The CCL's response to the regional situation is to intensify its reorganization and hasten its programme of institutional strengthening of the organised Labour Movement by working closer with affiliates. In this process the assistance of the ILO Regional Office is of strategic importance and vitally indispensable. For the first time the CCL is working with sister trade Unions in Haiti and the Dominican

# A Momentous Occasion

March 14, 2016 will probably go down in Bermuda's history as one of its momentous movements of social protest. It was the day that the people of Bermuda decided to take over the parliament of their country and prevent the government of the day from passing an immigration law that was designed to undermine the interests of them, but would have a devastating impact on their children's future in their own country.

One will probably not know what finally forced the people to take the stand that they took. It was certainly unprecedented for who would have thought that Bermudians who are often considered to be too passive to stand up for their rights would have been bold enough to cease their parliament and force the OBA Government to back down and with the contentious immigration bill. But determined they were as they met the equally determined design of this government in its

effort to put in place a long-standing immigration law that past governments, namely the former UBP Government, had clearly intended to give Bermuda's white minority population an edge over Bermuda's black majority population.

You can go right to the beginning of human settlement in Bermuda and you will see the constant efforts on the part of Bermuda's white population to control the growth of Bermuda's non-white population which they themselves had brought in as slaves and had in turn native Americans who they had defeated as the English colonised what would later become the east coast of the United States of America.

No doubt the militant action of Bermudians came as a shock to the OBA Government as almost from the first day they took government they have been enacting anti-Bermudian policies and seemingly the Bermudian population seemed helpless to do any-

## THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

thing about it.

But the brave stand of Bermudian Enda Matthie on Parliament Hill did not occur in isolation. Bermudians have never been a passive people. We have been patient but never passive and our history and our struggles have shown that quite clearly. We have forced the OBA Government to accept that a comprehensive immigration reform must take place in this country to finally fix Bermuda's broken immigration system. ■

## CCL's Solidarity Message for International Workers Day 2016 continued from page 4

Republic and has begun to resuscitate its relationships with sister unions in Caribbean Dutch territories.

On a positive note, the CCL notes and welcomes the nascent steps of President Barack Obama of the USA to improve relations with the Republic of Cuba. No doubt these and other normalization steps in the relationship will help to improve the economic and social conditions of Cuban workers. We call for the full and complete elimination of the economic blockade against Cuba and respect for its sovereignty. The Cuban workers and people can expect to re-

ceive the continued solidarity and support of workers of the region and the CCL.

The CCL also extends its solidarity to the workers of the Bolivarian Republic of Venezuela and calls for a mature and peaceful resolution of its internal problems free from external interference and with respect for its sovereignty. Thus, the declaration that Venezuela presents a threat to the national security of the United States should be withdrawn and the offer of CARICOM to facilitate a resolution of differences should be pursued.

In facing our numerous regional

challenges, the Caribbean Congress of Labour emphasizes the central strategic importance of unity and consolidation of the Organised Labour Movement.

CCL SALUTES THE WORKERS OF THE REGION. Please accept CCL's profound best wishes and expressions of solidarity with the working class and the trade Union Movement.

Fraternally,  
Chester Humphrey (Sen. Hon),  
General Secretary,  
Caribbean Congress of Labour ■

## ADHT Bermuda Foundation to Celebrate “African World Heritage Day”

The African Diaspora Heritage Trail Bermuda Foundation has had a long history of collaboration with the United Nations Educational, Scientific and Cultural Organisation (UNESCO). In 2006 the ADHT Bermuda trail was officially designated as a part of the UNESCO Slave Route Project. Additionally, Mr. Edmond Moukala, presently Head of the Africa Unit at UNESCO’s headquarters in Paris, was a member of the international Board of the ADHT and continues to be a contributing friend to the Board.

On 16 November 2015, at the 38th Session of the General Conference of UNESCO, the General Assembly adopted a resolution proclaiming **May 5th 2016** as African World Heritage Day, in conjunction with the 10th anniversary of UNESCO’s decision to create the African World Heritage Fund.

The **African Diaspora Heritage Trail Bermuda Foundation** will commemorate this special day with a reading of the official proclamation from Irina Bokova, Director General of UNESCO, in the Cabinet Grounds at 12.30pm on 5th May 2016. African World Heritage Day is an outgrowth of UNESCO’s World Heritage Convention, which “sets out the duties of State Parties (countries) in identifying potential sites and their role in protecting and serving them.”

The ADHT, as a part of the UNESCO Slave Route Project, has a number of ‘heritage sites of memory’ across Bermuda. Each of these heritage sites speaks to the history,



culture and experience of Bermudians of African descent in Bermuda. So the opportunity to join with UNESCO in commemorating African World Heritage Day is a natural fit, especially as this event takes place during Bermuda’s Heritage Month, with its theme - a Tapestry of Cultures. The African Bermudian culture is a very significant part of that Tapestry.

The World Heritage Site Management Committee (WHSMC) in St. George’s provided the following comment in support of this event: *“The WHSMC joins the African Diaspora Heritage Trail Bermuda Foundation in commemorating African World Heritage Day. This should resonate with all Bermudians and with Black Bermudians in particular, given the profound and growing meaning of African heritage to our sense of identity and community. And this global event is especially timely for our island, as Bermuda prepares to celebrate the 400th anniversary of the first black person and the first Native American to remain in Bermuda, after they arrived aboard the ship Edwin in 1616.*

*We applaud the ADHT for taking the lead role in organising events*

*marking the UNESCO-designated day on May 5th and fully support them in their efforts.”*

The ADHT thus invites all who can to attend this event in the Cabinet Grounds at the site of the Sally Bassett statue, one of the heritage sites of memory on the ADHT trail, on **Thursday, 5th May at 12.30pm.** The programme will begin with drumming by Mr. Kevin Bean of followed by a performance by the Harrington Sound Primary School. The official proclamation will be read by Former Premier, Dr. Ewart Brown, who was the chair of the ADHT when the ADHT received the UNESCO Slave Route Project designation. Ms Rickeesha Binns will then sing Lift Every Voice and Sing, which is considered the Black National Anthem and the ceremony will be closed out by Mr. Gavin Smith, Executive Director of the Chewstick Foundation, an accomplished musician in his own right.

The ADHT would like to first of all thank UNESCO and the staff at the Africa Unit for allowing us the honour of having this UNESCO sanctioned event here in Bermuda. We would also like to thank Dr. Derek Binns and his staff at the Cabinet Office for their support in making the location for the presentation available to us. Special thanks to all persons who participated and especially for Dr. Brown for taking the time from his schedule to be here to read the official proclamation. Special thanks also to The Chewstick Foundation for providing the sound equipment and the chairs for the students. ■



Celebrating Our Unique Culture



Tickets available at : 27th Century Boutique,  
All Things Sassy in the Bermudiana Arcade  
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Under the Distinguished Patronage of  
Dr. Leonard Teye-Botchway, Honorary Consul of  
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# **AFRICAN RHYTHM BLACK EXPO AND FASHION SHOW EXTRAVAGANZA**

Featuring Vendors & Fashion Show

**Saturday,  
May 21, 2016**

**PEMBROKE COMMUNITY CLUB**

2:00 p.m. – 8:00 p.m.

**EXPO** (Free)

2:00 p.m. – 5:30 p.m.

**FASHION SHOW**

6:00 p.m. – 8:00 p.m.

**Tickets: \$75.00**

*Part proceeds to the African Diaspora  
Heritage Trail Bermuda Foundation*

**FASHIONS DESIGNED BY**

*Lynelle Furbert*  
**(Made in Ghana)**

# Furlough Days – What did the Supreme Court of Bermuda decide?

by Delroy Duncan

Following a three day hearing in the Supreme Court of Bermuda on the 24th, 25th and 26th November 2015, the Supreme Court handed down its decision in the Furlough Days case on the 15th January 2016.

The dispute between the Bermuda Government and five of the largest Trade Unions and Associations in the island, the BIU, the BPSU, the BUT, the Fire Officers Association and the Prison Officers Association, was one of the most important industrial relations disputes this country has experienced in the last 25 years.

The seeds of the dispute were sown in the breakdown of Government attempts to impose the continuation of furlough days upon Government workers.

## I. Background to the dispute.

On 22 July 2013, the Bermuda Trade Union Congress ("BTUC") entered into a Memorandum of Understanding ("MOU"). The MOU covered the period 1st September, 2013 until 31st March, 2015 and provided for a number of actual and potential cuts in employment benefits enjoyed by Government workers. The dispute centered around one particular employment benefit, twelve unpaid and un-worked days off per year for all public officers which had become known as "furlough days". In practical terms furlough days meant that public officers would have one day off per month and receive a 5% reduction in their pay.

In November through December 2014 a Budget Reduction Working Group was created with the following terms of reference, "to enable a Working Group to find a reduction of 5% in the cost of operating Government other than by privatization, outsourcing or mutualisation". Following a number of meetings in November and December 2014



which the BTUC described as productive, on 8th January 2015, the Cabinet Secretary notified the BTUC that the Working Group would not meet again.

On the 23rd January 2015, The Minister of Finance wrote a letter to the BTUC in which he said:

*"In order to meet the 31st March, 2015 deadline, the budget development process must conclude with immediacy. To this end, we invite you to reconsider your position with regard to the continuation of the furlough. If you are unable to agree to continue the furlough, the Government will be forced to take steps to achieve the necessary reductions in expenditure for 2015-2016. Such measures could include a reduction in salaries of Government Employees equal*

*to the savings achieved in the current financial year by furlough. We invite your serious consideration of this position and look forward to hearing from you as soon as possible. Given the urgency of the matter we respectfully request a decision on Monday, 26th January, 2015 at 12.00pm (noon)."*

Between the 26th and 28th January 2015, members of the five Trade Unions and Associations demonstrated on the grounds of the House of Assembly in response to the letter from the Minister of Finance.

## II. The four main issues argued before the Supreme Court of Bermuda.

*1. Whether the Government has sufficient interest to seek injunctive relief under the Labour Disputes Act 1992.*

In broad terms The Labour Relations Act 1975 ("LRA") is designed to regulate and control the conduct of labour disputes in essential services defined in the First Schedule of the LRA. For example, Fire Services, Electricity Services and Port and Dock Services. By way of contrast, the Labour Disputes Act 1992 ("LDA") is designed to regulate and control the conduct of labour disputes in non-essential services such as the Civil Service together with all services which are not defined in the First Schedule of the LRA. The distinction between how the two pieces of legislation can lawfully be used became one of the main points of contention at the trial in November 2015. Before the trial, the Government had appeared before the Chief



Justice on the 28th January 2015, when the BTUC was not present at the hearing and obtained an injunction against the five Trade Unions and Associations under the LDA. The injunction prohibited members of the five Trade Unions and Associations from engaging in any lock-out, strike, or irregular industrial action short of a strike. Accordingly, Government believed members of the five Trade Unions and Associations should not have engaged in a peaceful demonstration against the continuation of furlough days on the 28th January 2015 on the grounds of the House of Assembly.

Section 40 of the LRA gives the Government the power to secure an injunction against workers and Trade Unions prohibiting strike action or irregular industrial action. Importantly, the LDA contains no equivalent provision to section 40 of the LRA. The BTUC contended that the Chief Justice should not have granted Government an injunction against the five Unions and Associations under the LDA which contains no provision to grant injunctive relief.

*2. Whether any of the five Trade Unions and Associations acted unlawfully in breach of the Labour Relations Act 1975.*

The Prison Officers Association contended that in strict legal terms both the LRA and the LDA do not apply to prison offices.

*3. Whether any of the five Trade Unions and Associations breached section 19 of the Labour Disputes Act 1992.*

Sections 4 and 19 of the LDA say the following:

Notice to be published

*4 (1) The Minister may by notice published in the Gazette declare that a labour dispute exists or is apprehended.*

*Unlawful conduct*

*19 (1) At any time after the notice mentioned in section 4 is published or at any time after a labour dispute is referred to the Tribunal and the dispute in either case is not otherwise determined, a lock-out, strike or irregular industrial action short of a strike is unlawful.*

The Government contended that the five Trade Unions and Associations breached section 19 of the LDA by continuing to remain out of work after they were in receipt of a valid notice to return to work issued on the 27th January 2015 under the authority of section 4 of the LDA. The five Trade Unions and Associations argued that Government failed to issue a valid section 4 notice which was legally effective and could be understood as referring to the demonstration against the continuation of furlough days.

*4. The Fire Officers Association and the Prison Officers Association argued they could not be sued for breach of the LDA because they are not registered trade unions, they are unregistered associations.*

### **III. The issues which the Supreme Court ruled in favour of the five Trade Unions and Associations.**

In paragraph 53 of the judgment the Court quoted section 2 of the LRA and found that prison officers are not subject to the LRA and by extension

the LDA. The Prison Officers Association should never have been the subject of any legal proceedings. The Court struck out the case against the Prison Officers Association.

At the trial, the Government sought an injunction permanently restraining the Trade Unions and Associations from engaging in unlawful industrial action. The question the Court had to decide was whether the grant of such an injunction would be interference with the constitutional right to strike.

The five Trade Unions and Associations argued that the conduct of the Government immediately preceding the industrial action on the 28th January 2015, namely the threats contained in the letter from the Minister of Finance dated the 23rd January 2015 was, itself, unlawful or unfair to such an extent as to make the grant of injunctive relief a breach of their right of freedom of assembly and association under the Bermuda Constitution Order 1968.

In paragraph 74 of the judgement the Court made an important and historical pronouncement for the Trade Union movement in Bermuda, quoting and adopting into the law of Bermuda a statement made by the Supreme Court of Canada in the case of *SasKatchewan Federation of Labour v SasKatchewan* [2015] SCC 4.

*" The conclusion that the right to strike is an essential part of a meaningful collective bargaining process in our system of labour relations is supported by history, by jurisprudence, and by Canada's international obligations. The right to strike is not merely derivative of collective bargaining, it is an indispensable component of that right. It seems*

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# BIU's 70th Anniversary Celebrated



The Bermuda Industrial Union (BIU) celebrated its 70th Anniversary on Saturday, April 23, 2016 with a block party held on Union Square beginning at 11:00 a.m. and ending at 7:00 p.m. This seminal organization must be recognized for what it has done for its members and all workers in Bermuda during its seventy-plus years of existence. It is an organization that was founded on principles of doing what is right for the people and protecting the rights of the people when no other organization would do so. Recent events remind us of how much we have forgotten and how the BIU has always stood for all persons regardless of ethnicity or gender or religious persuasion when discrimination on all these grounds and more was the norm in Bermuda.

The BIU was officially registered as a trade union on April 24, 1947. Trade unions only became legally allowed in Bermuda in 1946 and early BIU records indicate that in December 1946, Brother Wycliffe

Stovell, on behalf of the BWA “submitted an affidavit in connection with the registering of the Bermuda Industrial Union, to be signed in duplicate by the officers of the Union.” (The Bermuda Workers Association (BWA) was founded in the early 1940’s by Brothers William Davis, Austin Wilson, Wycliff Stovell and Gerald Brangman with able support by several courageous sisters, notably Sisters Doris (Cholmondley) Webster and Althea DePina, and was led by Dr. E. F. Gordon.)

Dr. Gordon was the first President of the BIU serving until his untimely death in 1955. Other BIU Presidents were Harold “Dish” Talbot, Leonard Bascome, Martin T. Wilson, Robert Johnston, Ottiwel Simmons and the Hon. Derrick Burgess who retired in March 2006. Brother Chris was elected BIU President upon Brother Derrick’s retirement.

According to Sister Ronnie Burgess, who chairs the ‘Ways and

Means Committee’ organized the celebratory events; the block party was exciting for both young and older members of the community. There were games for both children and adults; fun castles and vendors were on hand to sell their wares, including food. The event culminated with a performance by H & H Gombey’s.

The achievements of the BIU have always been the benchmark for moving the whole of Bermuda society forward. This may not be written about in the popular press but it is true and must be acknowledged publicly. This is a start to the education about the world of the Bermudian worker that has been called for as a prerequisite for a new era of prosperity, tranquility and justice.

On Sunday, April 24, 2016, BIU Executive members were joined by other members and friends in worship at St. Paul’s A.M.E. Church after which they brunched at the Reefs Hotel in Southampton. ■









“Political Democracy Does Not Exist In Bermuda” – Kingsley Tweed

On May 5, 1960, Brother Kingsley Tweed penned the following letter to various newspapers in Bermuda. Fifty-six years later, the Workers Voice believes that Bermudians should be reminded of what Brother Tweed had to say back then, so we’ve reprinted the letter in its entirety.

The Editor  
The Bermuda Recorder,

(Also submitted to the Mid-Ocean News, and the Royal Gazette)

Dear Sir,

As you know, political democracy as defined by politicians in the free world means the will of the majority freely expressed through the ballot box with respect for the rights of minorities. That such a desirable situation does not exist in Bermuda, I suppose, was one of the reasons which led to the setting up two years ago of the Franchise Committee to study what changes should be made to the Parliamentary Election Act, 1945.

On Friday of last week the Hon. Wesley Leroy Tucker Chairman of that committee presented their report to the House of Assembly. It is hard to imagine that a more negative report on so important and fundamental an issue as that of the franchise could have been produced. The only reason why I can think it took two years to produce such a pregnant negative was feeble-mindedness of the committee.

Imagine a committee, headed by the Hon. Mr. W. L. Tucker and comprising such professed champions of civil rights and human dignity as Mr. E.T. Richards bringing in a report which says in essence; we have studied this reactionary, electoral system the means by which the masses of Bermuda have been kept in political and economic thralldom for centuries; and which has had my people particularly at the mercy of a boss-ridden oligarchy, and after studying it for two

years, we feel that no changes should be made in the system because it has worked well over a long period of years.

What a stupid joke!!!

How in heaven do they expect the people to swallow that sort of bunk in this enlightened day and age?

Surely Mr. Tucker and Mr. Richards to say nothing of the rest of the committee must be aware of the universal cries of the oppressed for political democracy. Cries which are so urgently expressed in what is called the “one man one vote” philosophy – nothing more or less, cries so dramatically underlined by events in the whole continent of Africa, and to say nothing of our nearest neighbours the U.S. A. and Cuba and everywhere for that matter.

It is intolerable that a committee anywhere in the world save South Africa (and its social and political satellite countries of which Bermuda could easily rate as one) should close its eyes and not even recognize the “one man one vote” principle. The madness of these people.

They don’t even have sufficient political tact to say that universal suffrage is the only right and fair thing, but Bermuda is not ready for it yet. They infer, “lets keep what we have and to heck with anything else – it’s not even worth thinking or talking about.”

Thank God the masses of Bermuda, long suffering and unpredictable as they are, have learned of their strength by acting together for the common good. Events last year alone proved that the man in the street no longer wants the man on the hill, to think and act for him; and that he is no longer in the unthinking ignorant pariah he once was, unrepentant against the whip-lash of the master. He has been educated. He reads and thinks. And knows for himself when he is being unrepresented rather than represented in the council chambers.

In other words he is not hoodwinked as once was the case.

How then can Mr. Tucker and his committee expect the masses of Bermuda to swallow such ridiculous nonsense as is contained in their report – and anything

short of equalization of the franchise is ridiculous nonsense and not even worth rationalizing. When the report comes under debate on Monday, I strongly urge that every self-respecting worker in Bermuda should line the approaches to the Assembly and fill the gallery in protest against the committee’s barefaced recommendation that all democratic principles be sacrificed in the interest of preserving the oligarchy that has variously ruled and misruled Bermuda for the centuries – and you can’t tell me or my friends that a Government which denied its citizens the right to train as nurses in its only hospital because of the pigmentation of their skin was not mis-government; and that a Government that doggedly and recklessly spends money on the maintenance of dual systems all along the line, is not mis-government.

No doubt when the report comes under consideration we will hear a lot of high sounding phrases about keeping the status quo lest we jeopardize the great, and I mean great prosperity we are now enjoying.

In closing Mr. Editor I commend for the thinking of all Bermuda, this view of a French philosopher, who speaking of the close of the 18th Century in France said “As prosperity develops, men’s mind are less confident and seem more uneasy. Public discontent becomes embittered, and a hatred of all ancient institutions [and Bermuda’s Electoral system is ancient] rapidly grows. The nation is marching towards a revolution...”

Again Mr. Editor, I ask how can the masses of Bermuda be expected to regard as one of the most perfect systems of Government that which excludes them from all share in a choice of their rulers. Perhaps the Legislature as a whole will ponder this question and take the right step on the democratic path from which there is no turning back.

The demand in Bermuda today is Equalization not Liberalization of the Franchise.

Yours Truly,  
Kingsley Tweed ■



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# The Effects of Globalization

Globalization: The worldwide movement toward economic, financial, trade and communication integration. This is but one definition of globalization, however there are the byproducts i.e. cultural, social, psychological and of course political which seem to have fused themselves into the definition.

Globalization is not a new phenomenon. It has been around before the spice trade, in truth, millennia. However, through technology and predatory capitalism, it has become the alpha predator. Like anything that takes on a life of its own it has its plusses and minuses, and, no we won't begin to cover them all. The challenge is forming your opinion to the extent it should exist, its potential through to its limits, if there should be any void of the polls and media influence.

Globalizations proponents will argue that it creates a worldwide market for the companies, and for the customers there is better access to products from different countries. Because of the Globalization Market (GM) there is a steady cash flow into developing countries, which gradually decreases the dollar value. The (GM) recognizes vast options for investments for different companies as well as see an increase in the production sector. Product demand through globalization increases production and profits thereby creating jobs and also lowers prices for consumers.

Countries with little in common bear witness to information sharing, financial interests, even corporations and governments looking at ecological issues to find resolutions. Sharing technology has assisted developing countries progress along with developed countries at a similar speed. Democracy and human rights are enhanced through injections of foreign capital and technology.

Compartmentalized power sectors

are gradually being replaced by world power with the merging of politics and their decisions to benefit the world and its citizens. Cultures are intermingling, socially open and more tolerant relating to cultural differences. Developing countries are now seeing a rise and even a creation their middle class.

Anti-globalists say globalization makes it easy for rich companies to exercise with less accountability through environmental and natural resource mismanagement and ecological damage. Social injustice, unfair and poor living and working conditions i.e. slave labour wages. Child labour, prisoners working in inhumane conditions, ignored safety standards to produce cheap goods even human trafficking.

HIV/AIDS are thought by some experts as being spread to the most remote parts of our globe by travelers as communicable diseases via globalization.

Many workers in developed countries are losing their jobs to the outsourcing of those jobs to developing countries for cheap labour to increase corporate profits. Social welfare schemes or "safety nets are under extreme pressure in developed countries because of deficits and other economic ramifications of globalization.

Anti-globalists also assert that globalization is not working for the majority of the world. During the most recent period of rapid growth in global trade and investment, 1960-1998, inequality worsened both internationally and within countries. The UN Development program reports that the richest 20% of the world's population consume 86% of the world's resources while poorest 80% consume just 14%.

Multinational corporations, which were previously restricted to commercial activities, are increasingly influencing

political decisions. Many think there is a threat of corporations ruling the world due to gaining power through globalization.

Globalization implies the opening of local and nationalistic perspectives to a broader outlook of an interconnected and interdependent world with free transfer of capital, goods and services across national frontiers. However it does not include uninhibited movement of labour and as suggested by some economists may hurt smaller or fragile economies if applied indiscriminately.

Globalization is not going to go away, after the entire only thing that is constant is change, however a balance must be pursued and at times a line drawn in the sand. When the proponents of the GM ask us to view it we must examine it as we would an iceberg it's not what we see it's what we don't see. Should we embrace it at the expense of losing our cultural identity or abdicating our patriotic nature and last but not least our 'sovereign' democracy?

What may be good for developing countries maybe hurting our own economy and those countries that support and contribute to our GDP? Since 1980 6 million white collar and manufacturing jobs have been lost to outsourcing in the US. Statistics tell us that in 1950 Americas GDP was 29%, it has shrunk to today's low of 11%.

Service high paying jobs are being lost to outsourcing, i.e. med technicians, accountants, marketing, and just about any job that can be done over the internet relegate people to lower paying service jobs, lower standards of living and the constant dread of losing employment.

We are our brother's keeper, along with democracy which is of the people, by the people, for the people. Legislation and policy should protect and enhance its citizens. ■



## 'A HEALTHY YOU'

by

Nurse Beverley Howell

### Asthma ~ Common Questions and Answers

#### Who gets Asthma?

Asthma usually runs in families who have allergies. Asthma means people have **sensitive Lungs** ~ it is not a weakness.

#### What are the signs of Asthma?

Difficulty breathing, a tight chest, a cough, wheeze or shortness of breath.

**What is in your lungs?** Thousands of breathing tubes the size of spaghetti. They transport air into the blood stream. If you have asthma these tubes are sensitive and over react to things.

#### Why do I need two inhalers?

The blue inhaler or 'reliever' works immediately. You feel better straight away but it is only relaxing those squeezed muscles for a short time. The swelling and the mucous keep building up.

The brown or orange inhaler or 'preventer' must be taken every day even when you feel well. It calms down the swelling in the airways and stops them being so sensitive. They reduce the risk of severe asthma attacks. It may be 2 weeks before it starts working.

#### What is a spacer?

A spacer is a small device to help you get your medications deep down into your lungs. Spacers can be used by people of all ages including young babies.

#### How can I keep well with Asthma?

Keep fit, eat plenty of fresh fruit and vegetables and avoid things that 'trigger' (start) your asthma.

**Triggers - be your own detective!** - Common triggers include

cigarette smoke, vehicle exhaust, colds and flu, viral infections and pets - especially cats. Pollen, trees, grasses, mold and dust-mite, household sprays and perfume. Exercise, emotional upset and stress may also trigger asthma.

#### Why is over reaction a problem?

This over reaction causes the breathing tubes to swell, become inflamed and therefore irritated. Mucous pours in and clogs up inside the breathing tubes and then the muscles around the tubes squeeze in. This all narrows the breathing tubes making it difficult to breathe.

#### How can I avoid them?

Do not let anyone smoke in your home.

Do not walk or run along busy main roads.

Keep pets out of the bedroom.

Buy new pillows every year and put

Put soft toys in the freezer every week for 6 hours to kill the dust mites!

Do not have carpets.

Do not sweep, use swifter mops, a vacuum or a damp mop.

Damp dust your home, do not use aerosols, sprays or perfumes.

#### Preventive Tablets,

They may be taken as well as a preventer Inhaler although a few people may be able to control asthma symptoms with preventive tablets only. Ask your Doctor.

#### How do you get rid of Asthma?

Asthma can come and go. The best thing is to, keep it well controlled. This

means using a 'preventive medication every day to prevent coughing, wheezing or waking up in the night. Some people think if they are ultra fit and eat well their asthma will vanish. It does help but the sensitivity is still there.

#### Are the brown and orange Inhalers steroids?

The **brown** and **orange** inhalers are corticosteroids. This is different from the anabolic steroids that athletes are banned from taking. It will not make you fat or increase your muscles. The usual doses are safe and the side effects are easily prevented. These are a hoarse voice or a fungal infection in the mouth. Always use a spacer with your inhaler then rinse your mouth and brush your teeth and you should be fine.

#### Get an Action Plan!

Your Doctor or Asthma Nurse will write an **ACTION PLAN** especially for you. This will help you to fine tune your own treatment. This means more time feeling well and fewer visits to the Doctor or Hospital.

#### Are Asthma Medications Safe?

Asthma medications are safe and effective. The dose in the inhalers is tiny as it is breathed into the lungs. You do not become immune to them nor are they addictive.

#### New Combination Treatments

There are now excellent preventive medications combining a long acting 'reliever' with a preventer. they may be used after the age of 6 years.

## Furlough Days – What did the Supreme Court of Bermuda decide? continued from page 9

*to me to be the time to give this conclusion constitutional benediction"*

In paragraph 82 of the judgment the Court accepted that the letter from the Minister of Finance dated the 23rd January 2015 contained an unlawful threat by Government to fundamentally breach the public workers' contracts by sending them home unpaid if they did not extend furlough days. This was described by the five Trade Unions and Associations as the anticipatory breach of the contracts of employment of Government workers. The Chief Justice also accepted that at the time the case was being argued, eleven months after the end of the dispute, it was impossible to imagine circumstances in which unlawful industrial action could be said to be about to happen in the sense the law would require for the grant of a permanent injunction.

### **IV. The issues in which the Supreme Court ruled in favour of the Government**

The Court ruled in favour of the Government on the issue of whether in general terms injunctions could be granted against Trade Unions and Associations under the LDA despite the absence of a power to grant injunctions in the LDA. The Chief Justice relied upon one of his previous decision in *Bermuda Cablevision Limited v Greene* [2004] Bda LR 18

and section 19(c) of the Supreme Court Act 1905 in support of his decision on this issue.

The five Trade Unions and Associations argued that the 27th January Notice of a Labour Dispute published under section 4 of the LDA was invalid, because it did not explain precisely what the dispute was about to a reader of the notice. They also argued the notice did not take effect until the 29th January, 2015, the day after publication of the notice and the day after the dispute ended. The Court accepted the Notice bore a stamp indicating that it would be published in the Royal Gazette on 28th January 2015 and that the Notice did not contain any warning as to the penal consequences of a fine or imprisonment, if the command in the notice was breached.

Despite the fact that imprisonment or a fine could flow from breach of a command in a Notice, the Court ruled the Notice did contain sufficient particulars for the executive officers of each Trade Union and Association to know what dispute the Notice concerned. The Court also rejected the argument that the Notice did not take effect until the day following publication in the Royal Gazette and deemed the Notice valid and proper notification to the five Trade Unions and Associations and

their executive officers that any further industrial action on or after the 28th January 2015 was unlawful.

The Court found that the essential service divisions of the BIU and the BPSU and the Fire Officers Association breached section 9 of the LRA by not attending work on the 28th January 2015, after they were aware a valid Notice prohibiting strike action had been issued and granted the Government the following declaration:

1. i. THAT the 1st–2nd and 5th Respondents, as regards their divisions or units which are essential services, on or about January 28, 2015, acted unlawfully, contrary section 9(1) of the Labour Relations Act 1975, in taking irregular industrial action short of a strike;

The Court also found that the Non-essential service divisions of the BIU and the BPSU together with the BUT breached section 19 of the LDA by not attending work on the 28th January 2015 after they were aware a valid Notice prohibiting strike action had been issued and granted the Government the following declaration:

2. ii. THAT the 1st–3rd Respondents acted unlawfully, contrary to section 19 of the Labour Disputes Act 1992, in taking irregular action short of a strike.

The BIU, BUT and BPSU are appealing the decision of the Court granting the two declarations. ■



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## EAP CLIPS: MAY 2016

### MEDITATION PRACTICE TIPS

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*Originating as a component of the Eastern religions more than 5,000 years ago, meditation has been proven beneficial in alleviating stress, lowering blood pressure, improving concentration, alleviating insomnia and creating a heightened state of relaxed awareness. Regular practitioners report an overall increase in happiness and peace of mind as well as a generally more positive outlook. Meditation can also be used to achieve a higher state of spiritual awareness and understanding.*

*Some individuals have even used meditation to transcend the body's natural pain thresholds, achieving seemingly superhuman feats of endurance and pain tolerance through intense meditation.*

*Meditation can be practiced by anyone, regardless of age or physical health. It requires no special equipment or tools. The only thing that meditation requires is time and patience. Beginners may see their attention drift when first attempting meditation and may have problems reaching a relaxed state of focus.*

#### **WHAT IS MEDITATION?**

Meditation is a method that employs intense mental focus in order to bridge the mind/body gap and bring about a heightened state of consciousness.

#### **HOW DO I MEDITATE?**

One easy method of meditation centers on breathing.

1. Find a quiet place
2. Sit down in a comfortable position with your back straight.
3. Close your eyes.
4. Breathe slowly and rhythmically, inhaling through your nostrils and exhaling through your mouth.
5. Focus your mind exclusively on the act of inhaling and exhaling.
6. Expand your attention to other parts of the breathing process, such as the rise and fall of your chest.
7. Continue until your mind is empty of any thought and only holds the awareness of your breathing.

The previous exercise is an example of concentrated meditation in which the object of mental focus is breathing. This focus can

vary by the type of meditation being performed. Some concentrated meditations use visualization to concentrate focus on a real or imagined object, while others use a repetitive sound known as a mantra. These meditations can be done alone or as guided meditation in which an individual or group is walked through a set of instructions by a coach.

#### **WHAT ARE SOME OTHER TYPES OF MEDITATION?**

Another type of meditation is called mindfulness meditation in which the practitioner turns his or her awareness to present thoughts and surroundings. With this technique, the individual acts as a neutral observer.

1. Find a quiet place.
2. Sit down in a comfortable position with your back straight.
3. Keep your eyes open and focused slightly downward a few inches in front of you.
4. Keep your focus soft, seeing everything but concentrating on nothing.
5. Breathe slowly and rhythmically, inhaling through your nostrils and exhaling through your mouth.
6. Keep all your observations in the present.
7. View all your thoughts from a detached perspective as if they were not yours. Let them come and pass without reflecting upon them.
8. Continue until your only awareness is an unemotional observation of the present.

Mindfulness meditation can be more difficult for beginners to grasp than concentrated meditation.

An option for those who have trouble sitting still is fluid meditation. Fluid meditation combines physical activity with the mental aspects of meditation and includes yoga, tai chi and qigong.

Finding the right meditation for you is more art than science and may require some experimentation. Moderating existing techniques to suit your own personality and style is perfectly acceptable if you are pleased with the result.

If you need assistance contact the **EMPLOYEE ASSISTANCE PROGRAMME OF BERMUDA**. Don't forget to visit our **Wellness Page** at [www.eap.bm](http://www.eap.bm)

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

# Nursing Home 1

Find and circle all of the words that are hidden in the grid.  
The remaining 47 letters spell a Mother Theresa quotation.

W R E D E S D E B W S H L P Y R E W O H S A L  
 L E N E R O U N D S A I R R U E C S S G V T E  
 R A K E A A S I N S A N D E S Z I O N G R O M  
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ACTIVITIES  
 AIDES  
 ASPIRIN  
 BATHROOM  
 BEDRAIL  
 BEDS  
 BOARD GAMES  
 BULLETIN  
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 CANE  
 CARE  
 CASE MEETING  
 CHARTS

COMFORT  
 DENTURES  
 DINING ROOM  
 DOCTOR  
 DRUGS  
 EXERCISE  
 FALLS  
 FLU SHOT  
 FRAIL  
 GLUCOSE  
 METER  
 HAIRDRESSER  
 HALLWAYS

HELP  
 INCONTINENCE  
 LAUNDRY  
 LINERS  
 MAGAZINES  
 MEDICAL  
 GLOVES  
 MEMORY LOSS  
 MOISTURIZER  
 MUSIC  
 NAIL CLIPPERS  
 NEEDLE  
 NURSES

OUTINGS  
 PET THERAPY  
 PHYSIOTHERAPIST  
 PUZZLES  
 READING  
 RESIDENTS  
 ROUNDS  
 SCRABBLE  
 SCRUBS  
 SENIORS  
 SHAVE  
 SHOWER

SING ALONG  
 SLEEPING PILL  
 STAFF  
 MEETINGS  
 SUPPER  
 TABLES  
 TELEVISION  
 TRANSFER BELT  
 URINAL  
 VOLUNTEERS  
 WANDERING  
 WHEELCHAIR

SOLUTIONS ON PAGE 2