

JEP

**PRELIMINARY REPORT**  
**OF THE**  
**WORKING GROUP**  
**ON**  
**FLEXIBLE WORK ARRANGEMENTS**

**2002 FEBRUARY 22**

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**ATTENDANCE AT THE WORKING GROUP MEETING HELD**  
**FEBRUARY 15, 2002**

**In attendance:**

Mr.Keith M. Goodison, Chairman	Ministry of Labour & Social Security
Mrs.Carla Ann Roper	Ministry of Labour & Social Security
Ms.Vanassa Richards	Ministry of Labour & Social Security
Mr. Herbert Lewis	Jamaica Employer's Federation
Mrs.Camille Needham	Jamaica Hotel & Tourist Association
Mr. Clarence Clarke	Jamaica Manufacturers' Association
	Jamaica Exporters Association
Mr. Ward Mills	Private Sector Organization of Jamaica
Mr. Dwight Nelson	Jamaica Confederation of Trade Unions
Mr. Danny Roberts	Jamaica Confederation of Trade Unions
Rev. Neville Callam	Concerned Church Leaders Group
Mrs. Princess Lawes	Concerned Church Leaders Group
Mrs. Marcia Gilbert-Roberts	Ministry of Foreign Affairs & Foreign Trade
Mrs. Joan Jackson	Ministry of Industry Commerce & Tech.
Mr. Kurt Rattray	Attorney General's Department

**Apologies for absence:**

Mrs. Margaret Macaulay	Association of Women's Organizations
Mrs. Donna Ortega	Press Association of Jamaica
Mr. Anthony Chang	Jamaica Chamber of Commerce
Mr.Donovan Edwards	Jamaica Agricultural Society
Rev. Earl Thames	Concerned Church Leaders Group
Rev. Rennard White	Concerned Church Leaders Group

## **AGENDA**

### **Flexible Work Arrangements – Working Group Meeting 2002 February 15**

1. Welcome and Introduction      Keith M. Goodison
2. Prayer      Rev. Neville Callam
3. Opening Remarks      Keith M. Goodison
4. Presentations:
  - Concerned Church Leaders Group*
  - Private Sector Organisations  
(JEF, JMA, JHTA, PSOJ)*
  - Jamaica Confederation of Trade Unions*
  - Ministry of Labour & Social Security*
5. Summary of Deliberations
6. Closing Remarks

## **TERMS OF REFERENCE**

The Hon. Donald Buchanan Minister of Labour & Social Security and Chairman of the Joint Select Committee provided the Terms of Reference (TOR) as set out below:

To examine the implications of Flexible Work Arrangements on the following:

1. Religious Worship
2. Family Life

It was also recommended that a preliminary report should be submitted to the Joint Select Committee of Parliament by 2002 February 27.

## **INTRODUCTION**

The Hon. Donald Buchanan Minister of Labour and Social Security appointed a working group comprising 20 persons from 15 organizations to report to the Chairman and the Joint Select Committee appointed by Parliament. The working group was requested to submit a preliminary report by 2002 February 27.

The working group held its first meeting on 2002 February 15, with an attendance of 13 members. Apologies were received from the seven other members of the group. Submissions were received from the following groups:

### **Concerned Church Leaders**

Rev. Neville Callam and Mrs. Princess Lawes made presentations. Rev Callam dealt with religious worship in the context of the likely negative implications resulting from the introduction of Flexible Work Arrangements. He pointed out that the corporate day of worship and the spiritual well being of the nation would be negatively affected. He outlined the role of the church its historical relevance to moral and spiritual upliftment and indicated that by extending a work week to 7 days would seriously undermine Christian traditions and its benefit to the nation. Further, Rev. Callam asked the chairman to give an overview of what obtained in other countries, namely the Netherlands and France with a view to examining the impact of the introduction of Flexible Work Arrangements on the respective societies. He proposed that we should be seeking to institute a flexible workweek over 5 days, Monday to Friday, excluding Saturday and Sunday.

Finally, He opined on behalf of his group that this would meet the objectives being proposed with the introduction of Flexible Work Arrangements in Jamaica.

Mrs. Lawes addressed the experiences of Seventh Day Adventist and the problems being encountered at the work place by members of that religion. She pointed out that members were in fact being denied employment and in some instances have lost jobs having indicated their religious belief. She stated that the implementation of Flexible Work Arrangements would further exacerbate the problems being experienced by members of this denomination. Further the work week over 7 days would affect family life and the quality of care that would be provided for children by parents on weekends. Finally, she believed that a serious attempt should be made to provide protection under regulation or law for the right to worship without being victimised.

### **Jamaica Confederation of Trade Unions**

Messrs. Danny Roberts and Dwight Nelson made presentations. Mr. Roberts highlighted some of the difficulties faced by employers in carrying out their legitimate duties while making concessions for employees to observe their day of worship. He stated that Corporate worship is no longer restricted to just the church building and specific church days for worship. The church has now been brought to the workplace in entities such as the National Commercial Bank and the Bank of Nova Scotia where time is allocated for worship. He indicated that the churches have to find ways to be effective outside the strict parameters of the traditional church worship because if the society degenerates economically it will affect us spiritually as well. He also indicated that the concerns of the church have no

causal link with the introduction of Flexible Work Arrangements. Finally, he stated that given the imperatives of the new world economic order we should seek to implement Flexible Work Arrangements in accordance with the collective bargaining process.

Mr. Nelson indicated that Saturday and Sunday are not the only two days recognised for worship in Jamaica. It should be noted that Wednesday and Friday are also days of worship for other denominations. He stated that it is therefore incumbent on the Trade Unions, Employers and the Concerned Church Leaders Group to negotiate a workable model to the benefit of all parties. He also offered on behalf of the JCTU to have direct discussions with the Concerned Church Leaders to find ways of resolving differences that may arise between them on this issue.

### **Private Sector**

Mr. Herbert Lewis made a presentation on behalf of the Jamaica Employers Federation (JEF). He indicated that the workplace environment is characterized by constant change. He stated that Jamaica like the rest of the world is faced with the effects of trade liberalization and globalization. He pointed out that the freedom of worship is entrenched in the constitution and no new law is being introduced to displace it. Further, he reminded the group that Flexible Work Arrangements already exist in most sectors of the Jamaican economy. He indicated that we now need to proceed with full implementation by amending the necessary regulations. The JEF is prepared to meet with the church groups to discuss differences that may arise as it relates to Flexible Work Arrangements.

Mr. Ward Mills made a presentation on behalf of the Private Sector Organization of Jamaica (PSOJ). Mr. Mills highlighted some of the expected benefits to be derived from the introduction of Flexible Work Arrangements. He pointed out that full-time, part-time and casual work could increase under this programme. He would also wish to see the Concerned Church Leaders provide specific objections as to the proposals contained in the Green Paper presented. He also recommended that organisations should begin to have dialogue with their employees on the proposals contained in the Green Paper on how best to achieve mutual agreement on this issue. He also stated that efforts should be made to ensure that the right to worship should be recognised by all employers and ensure that this right is protected.

Mrs. Camille Needham of the Jamaica Hotel and Tourist Association (JHTA) pointed to the operations of the Tourist Industry and the benefit it derives from being able to flexibly operate its workforce. She indicated that in the deliberations we must consider the greater good for the greatest number of persons as it relates to employment, economic viability and sustainable development.

Mr. Clarence Clarke of the Jamaica Manufacturers' Association (JMA) supported the need to have consultation with the Concerned Church Leaders Group to better understand their core concerns as it relates to Flexible Work Arrangements. He however, pointed out that the JMA has made repeated representations to the Ministry of Labour and Social Security for the manufacturing sector to have Flexible Work Arrangements duly formalized so that the sector can compete in a



liberalized market.

The Chairman in his submission gave an overview of the research and planning which the Ministry of Labour and Social Security has put into the preparation of the Green Paper. He cited the role of the social partners on the Labour Advisory Committee and the approach taken by the Minister to ensure the full participation of the wider public. He stressed the commitment given by the Minister to have dialogue and consultation in seeking consensus on the issue. He traced the history of how the proposal for Flexible Work Arrangements came into focus. He cited the international climate, with trade liberalization and globalization and the likely impact on the Jamaican economy and the prospects for investment and job creation. He stressed that the Green Paper should be carefully examined in the context to better understand what is being proposed under Flexible Work Arrangements. He indicated that no attempt is being made to deny workers the right to worship and indeed the proposals are in fact offering employees greater flexibility.

The Chairman listed some of the options that can be negotiated under Flexible Work Arrangements:

- Compressed work week
- Flexible hours
- Shift swaps
- Telecommuting (work done off the central work site)

It is against that background that the Working Group is asked to weigh and consider the full implications giving due regard to the positions of the Concerned Church Leaders Group, the Jamaica Confederation of Trade Unions, the Private Sector, the Government and the wider society.

After the various submissions were made, Mr. Dwight Nelson made the following recommendations:

- (1) That no employee should be discriminated against because of the exercise of his/her right to worship on a day of his or her choosing. (the onus being on the Ministry of Labour and Social Security to so direct the Pay and Condition of Employment Branch (PCEB) to deal with these matters appropriately).
- (2) The removal of constraints so as to facilitate the implementation of Flexible Work Arrangements over seven (7) days whilst ensuring that the proper mechanisms are put in place (inclusive of consultations amongst employers/employees/trade unions) so that implementation would be effected only after the employer has given due regard to the employee's Constitutional right to worship.
- (3) In the event that there is that recognition and acceptance, but that right is still violated, the (MLSS) will so expand the (PCEB) so as to register that grievance, and seek redress for employee, including, where necessary the filing of an action in Court.
- (4) On the basis of that understanding it was agreed that the Concerned Church Leaders Group would reconsider their non-acceptance of the Flexible Work Arrangements as proposed by the Ministry of Labour and Social Security.

These were accepted and agreed by the members of the working group .

## **RECOMMENDATIONS**

1. Implement the public education programme and assess its effectiveness after a 3-month period.
2. Continue to promote the consultation process with the Concerned Church Leaders Group and the Social Partners.
3. Place emphasis in the public education programme on the employee's right to worship.
4. Include the right to worship in the Labour Code and ensure that the regulatory (legal) framework be extended to protect the right to a day of worship.
5. Amend existing Regulations and Laws in order to implement Flexible Work Arrangements and set a time limit for its implementation.
6. Allow the Ministry of Labour to investigate reported cases of workers being dismissed or denied employment on religious grounds.

## **CONCLUSION**

The Committee is of the view that given the participation and the extent of the discussions at the meetings held it is now appropriate to submit the report to the Joint Select Committee of Parliament.

The members wish to thank the Minister and the Joint Select Committee for inviting them to serve on this Working Group.