



GOVERNMENT OF SAINT LUCIA
MINISTRY OF INFRASTRUCTURE, PORTS, ENERGY & LABOUR

DEPARTMENT OF LABOUR

Communication on this subject
Should be addressed to:
Labour Commissioner

Barnard Hill
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September 02, 2020

Mrs. Karolin Troubetzkoy
President
St. Lucia Hotel & Tourism Association
Rodney Bay
GROS ISLET

Dear Mrs. Troubetzkoy,

Reference is made to our meeting of August 31, 2020, which was chaired by the Minister for Labour, Honourable Stephenson King, on the matter of a potential extension to the lay-off period cited in the Labour (Lay-off Period) (Extension) Order, 2020.

Thus far, the Department is pleased, and appreciates the level of engagement between our entities on this issue, and recognizes that much measured progress has been made by employers such as yourselves, in dealing with the present day economic realities.

While the Honourable Minister has given a commitment to engaging the relevant agency on the possible extension of the lay off period, to coincide with the end of the state of emergency on September 30, 2020, a few options were given at the meeting to help mitigate the current conditions for employers and employees.

Whereas it is understood that the end of the lay off period on September 11, 2020, essentially means that the contracts of service of employees who have been on extended lay off would automatically terminate at such time, resulting in a situation of termination due to redundancy, the Department understands the financial constraints that employers may experience in meeting their obligation to pay termination benefits to the employees. As such the possible options which were discussed are:

- 1) That the employers undertake the payment of termination benefits to their employees on a pro rata basis, in keeping with s166 of the Labour Act, Cap 16.04 of the Revised Laws of Saint Lucia;
- 2) That following the period of lay off, employees be allowed to report for duty and return on lay off if no work can be provided to them;

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- 3) That following the period of lay off, employees be allowed to work on a rotational basis;
- 4) That following the period of lay off, employees be allowed to work on reduced hours, or pay, until such time as there may be an improvement in the existing state of affairs.

It must be re-iterated, that items 2 to 4 above should take effect only with the expressed agreement of the employee, following a process of consultation with the employees and/or their representative and which agreement must be committed to writing. It is also appropriate to recall, that any arrangement made with respect to the foregoing is acceptable until such time as the situation returns to a state of normalcy.

It is anticipated that, items 3 and 4 above, will provide some level of financial relief, albeit diminished, to the employees, while affording the employers the opportunity to monitor recovery trends.

The Department will revert to you at the soonest, regarding the progress of the Honourable Minister's consultations with the Attorney General's Chambers.

Best Wishes.

Yours sincerely,



Cornelia Jn. Baptiste
Labour Commissioner

Copy: Honourable Stephenson King, Minister for Labour