

BIU Lawyer Delroy Duncan Explains Why the BIU Feels Vindicated

by LaVerne Furbert

The Bermuda Industrial Union is represented by lawyers Delroy Duncan and Kyle Masters in their fight to bring justice to the workers employed at KFC, and indeed all workers in Bermuda. Below, lawyer Delroy Duncan explains why the BIU feels vindicated and explains why costs were awarded to KFC in the ongoing legal battle.

“The BIU does feel vindicated because on behalf of the employees at KFC and the workers of Bermuda it succeed in demonstrating firstly that terms and conditions in the collective bargaining agreement between the BIU and KFC constitute terms of employment of the employees of KFC even if the collective bargaining agreement has expired, KFC denied this. This part of the judgment will have ramifications for all workers in Bermuda who have the benefit of a collective bargaining agreement. Workers who have the benefit of a collective bargaining agreement should look at their agreement to see which terms form part of their contract of employment even if the collective bargaining agreement has expired. Secondly KFC was wrong in law to assert that the dispute should not be referred to



Delroy Duncan and Kyle Masters

arbitration if the collective bargaining agreement expired. This aspect of the decision will also have wide ranging ramifications for a number of existing collective bargaining agreements in Bermuda which have expired or are about to expire. Thirdly KFC’s constitutional rights were not infringed by referring the dispute to arbitration. This finding demonstrates that the compulsory arbitration procedure can be used to resolve disputes in private companies. Because KFC lost on these three points the company was ordered to pay the costs of the BIU and the Bermuda Government.”

“KFC were awarded costs for a

summons the BIU issued seeking the court’s permission to argue the Employment Act section 31 point in Supreme Court action No 212 in this action No 188 . The Chief Justice ruled the section 31 point should be argued in its own proceedings action No 212. At page 100 of the transcript of the costs hearing on 2 occasions the Chief Justice described KFC’s costs on this summons as “de minimis” (small or minor) .”

The Employment Act section 31 point between the BIU and KFC is in real terms the most significant aspect of the ongoing dispute between KFC and the

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BIU. The Employment Act section 31 point is scheduled to go to trial in September or October of this year. The BIU contend that when KFCB transferred its operations to Kentucky Fried Chicken Operations Ltd (KFCO) on the 31st May 2012, KFC were not permitted by law (section 31 of the Employment Act) to change the terms and conditions of employment of its employees.

KFC changed the terms and conditions of its employees who became employed by KFCO. There are a number of employees who have not accepted the new terms and conditions of employment. They rely upon section 31 of the Employment Act in action No 212 seeking an order from the Supreme Court to be employed by KFCO on the same terms and conditions of employment they have at KFCB. KFC refuse to hire them at KFCO these terms. These employees remain employed by KFCB despite the fact no business operations of KFC remain in KFCB. All business operations have been transferred to KFCO.

The section 31 point is in my view the more significant story because it has huge ramifications for Bermuda in this challenging economic environment. The BIU has stated that it is aware and has been informed many employers in Bermuda are awaiting the outcome of the Section 31 action more so than the decision which the Chief Justice just handed down. In the United Kingdom businesses/companies are not permitted

to change the terms and conditions of an employee's contract of employment when business operations are transferred from one company to another company. Such conduct is prohibited by the Transfer of Undertakings law (TUPE) first enacted in 1978 and fortified by a large body of legislation emanating from European Union Directives.

The rationale for enacting section 31 of the Employment Act into law in Bermuda which mirrors the UK law and European Union Directives is to stop companies and businesses from transferring operations to a new entity and forcing employees to accept different or less favorable terms of employment or alternatively telling employees the existing company or business is closing down but you can have a new job in another company again on different or less favorable terms and conditions of employment.

The law is also designed to stop the practice of companies/businesses changing or transferring their business operations simply to reduce their overhead employment costs.

The law in the UK , the European Union and Bermuda was designed in part to deal with difficult economic times similar to those the western world is now facing by striking a balance between the rights of companies to do business as they see fit and the rights of workers not to be exploited through the mechanism of change in ownership of a business.

THE WORKERS VOICE

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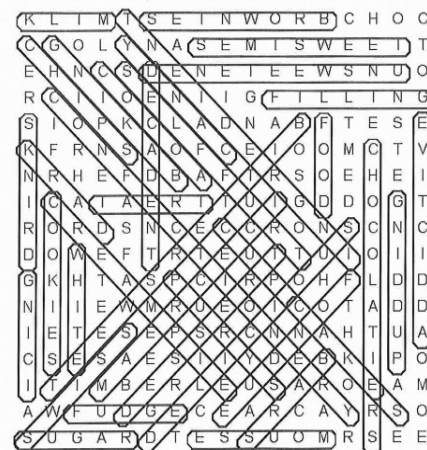
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PUZZLE • SOLUTION

CHOCOLATE

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



| | | | |
|--------------|---------------|------------|-------------|
| ADDICTIVE | CONFECTIONERY | FILLING | PUDDING |
| BAKING | COOKIES | FONDUE | SEMISWEET |
| BARS | CREAM PIE | FOOD | SUGAR |
| BITTERSWEET | CUPCAKE | FUDGE | SWISS |
| BROWNIES | DARK | ICE CREAM | SYRUP |
| CAKES | DECADENT | ICING | TREAT |
| CANDY | DELICIOUS | INGREDIENT | TRUFFLES |
| CHIPS | DESSERT | MILK | UNSWEETENED |
| CHOCOLATIERS | DRINKS | MOUSSE | WHITE |
| COCOA | | | |

The hidden message is:
CHOCOLATE ORIGINATES FROM THE SEEDS OF THE THEOBROMA
CACAO TREE

The Media Council Needs to Monitor Bermuda's Blogs

In my opinion, it's time for the Media Council to start monitoring the Royal Gazette's blogs. In fact, I have called for the Royal Gazette to be expelled from the Media Council because of the "opinions" that they allow on the website, many of which are vicious, incorrect, and a grim reminder of those race-hating days I thought were part of the nastier days of our history.

Let's keep in mind that the Media Council expelled the Workers Voice because of a comment that Alvin Williams made in his opinion column in the January 30, 2012 issue of the Workers Voice. In Brother Alvin's opinion "The employer class is not without its faults in its treatment of the Bermudian workforce. One example in that regard was the recent attempt to decertify the workers' organization (BIU) without the permission of the workers at KFC". KFC's Controller, Jason Benevides, complained to the Media Council and the Media Council ruled that the Workers Voice should publish the following correction "In our 30 January 2012 issue we published an article by Mr. Alvin Williams which stated that KFC made a recent attempt to decertify the union. That statement was inaccurate". History has recorded that there was no correction published by the Workers Voice as we believed that Brother Alvin had the right to his opinion and the right to publish his opinion in the Workers Voice or any other media.

As we have seen, some sixteen (16) months later, the matter between KFC and the BIU continues to make headlines in the Royal Gazette, Bermuda's only daily newspaper. On Monday, May 27, 2013, paper published a story on their front page entitled "KFC Bermuda must pay BIU's

legal costs". That article elicited eighty-six comments. Further, many of the bloggers used the comment section to demonise, insult and vilify BIU President, Chris Furbert in spite of the fact that his name was never mentioned in the article. Rather the reporter who wrote the article in question, quoted BIU lawyer, Delroy Duncan and Chief Justice Kawaley. But that fact did not stop the "haters" from posting vitriol about the BIU President.

One blogger, who called himself "Mozart" wrote "Chris Furbert, rumor has it that you've used PHC's money to cover your personal expenses; cause in the last years, as club President, you never paid on the club's mortgage. And so now they are on the verge of bankruptcy. Probably, didn't pay on the mortgage cause you were so damn sure Dept of Education were going to give you 60 million to build your complex. And now you want KFC to cover BIU's costs? Which is also rumored to have money problems (sic). And to end insult to injury, now the OBA is in power so there's no-one to cover up your problems (sic). Therefore, your empires will soon be a thing of the past. I hope like Ewart Brown, you have another residence and plan B when it all hits the fan."

I'm certain that no one can tell me that the comment above, which is the writer's opinion, is less offensive than Alvin Williams' comment that "KFC made a recent attempt to decertify the union", however it was left on the Royal Gazette's website until I reported it as abuse. However, the Media Council is silent on that comment, and every other comment that is posted on the Royal Gazette's website and on the Bernews website, which

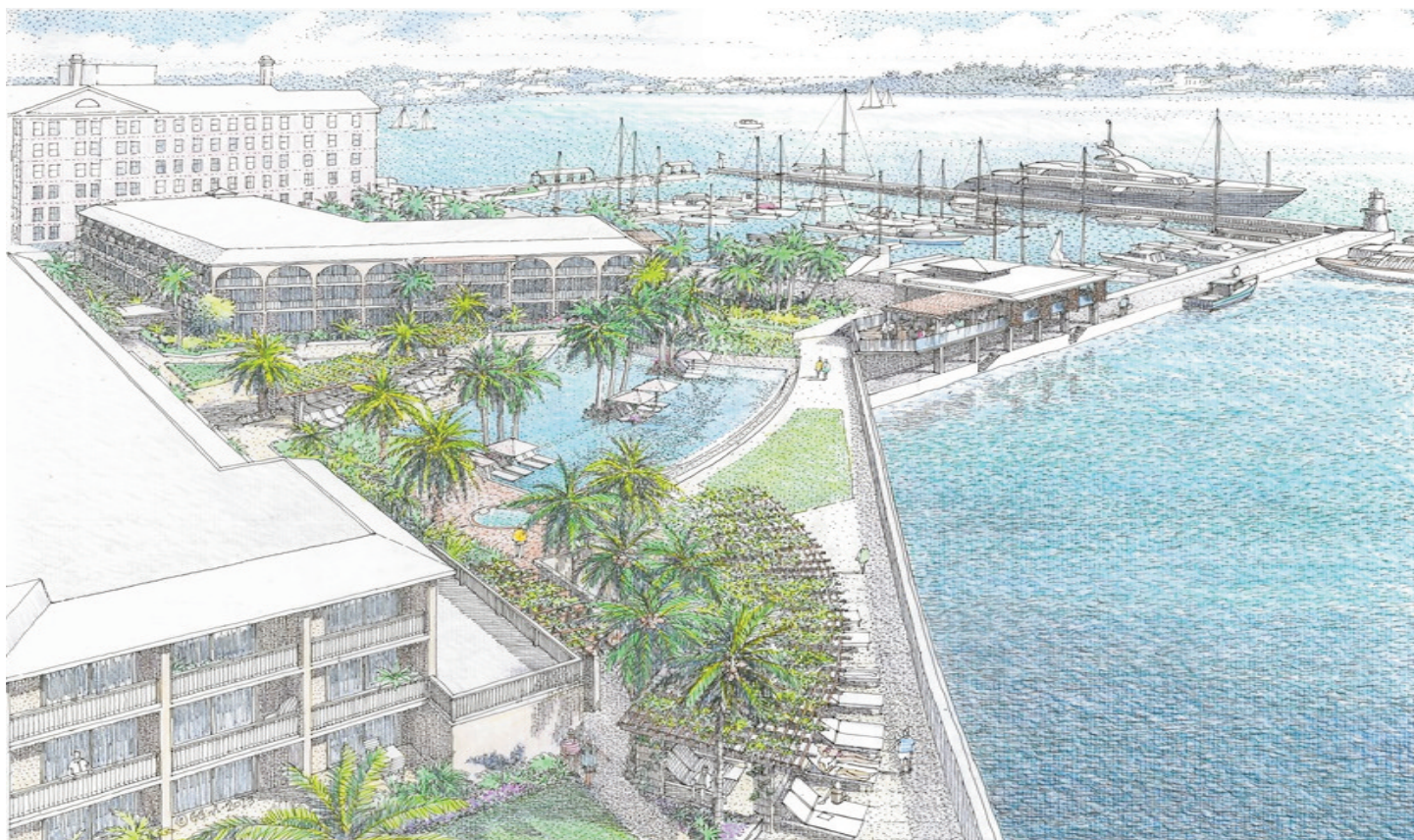


is just as guilty when it comes to posting offensive comments about the BIU President which are misleading and inaccurate.

In my opinion, it is time for the Media Council to become a real watchdog for everyone's best interest rather than wait for people like Jason Benevides to make complaints before they decide to act. And it is certainly past time for the Royal Gazette and Bernews to monitor the online comments of their readers with a view to providing a fair and accurate account of Bermuda's daily news.

Chris Furbert has joined a long line of trade unionists who have vilified, demonised, maligned, denigrated, etc. etc. by a certain group of people in the Bermuda community. Think of Dr. Gordon, Ottie Simmons, Derrick Burgess, Dame Lois Browne-Evans, Freddie Wade, etc. etc. guess all that's left to say is oh my my my my my!!! All you guys need is for them to print the name Chris Furbert - PLP-DR. the hon Brown or anyone who appears not to be connected with your group and you rip them to threads....

Let them print a story about a little Negro boy doing something positive none of you have anything to say... then again I am not surprised.



Greens Announces Major Renovations To Hamilton Princess

(Hamilton, Bermuda, May 21, 2013) – The Green family, Bermudian owners of The Fairmont Hamilton Princess, with the support of the Government of Bermuda, today announce details of major renovation plans designed to enhance the historic landmark's positioning with both leisure and business travellers and create one of the most exciting hotel destinations on the island. The renovation project will be conducted in phases to minimise disruption to hotel guests, with the first phase scheduled to begin this winter after the destination's peak season.

Since the Green family purchased the hotel in 2012, a thorough review of the property, including its infrastructure, has been conducted. An anticipated investment of \$70

million will maintain the historic character of The Fairmont Hamilton Princess, while adding luxury, contemporary features for the needs of today's traveller. An environmental impact statement was also prepared to support the planning application.

Alexander Green, on behalf of the Green family, says: "Since our family has taken ownership of The Fairmont Hamilton Princess, we have been focused on how to breathe new life into the historic property. We have been inspired to such an extent by the potential that the hotel has to become a leading asset in Bermuda's tourism arsenal that we have increased our budget for renovations from \$50 million to \$70 million. Our larger financial commitment is testimony to the faith that we have in

Bermuda as an attractive place to invest."

The first phase of the project, designed by Botelho Wood Architects, will transform the west side pool into a contemporary resort infinity pool with luxury, private cabanas, stylish floating sun loungers on islands within the pool, a splash area for children, family pool and a lap pool. The pool area, which will be almost three times the size of the current pool, will have luxury loungers, shaded seating and hammocks, all with uninterrupted views of Hinson's Island and Hamilton Harbour. Pergolas will be incorporated into new landscaping. There will also be a new hot tub and enhancements to the poolside food and beverage offering.

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Managing Bermuda's Economic Growth

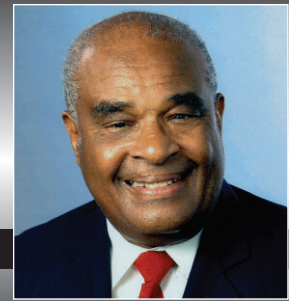
If there was ever a time to have a discussion on Bermuda's economic policy, it is now. This is because Bermuda continues to feel the effects of the worst economic downturn since the Great Depression of the thirties. Actually, I don't even know that Bermuda's economy suffered that much as a result of the downturn that commenced in 1929. At the time, Bermuda was not that dependent on foreign trade for its survival to the extent that it does today. Further, Bermuda was able to obtain much of the food supplies required to feed its local residents from farming and fishing in Bermuda. Certainly, there was substantially more land to farm in those early days and fish could be found along almost any section of Bermuda's long shore line.

However, that is certainly not the case today in terms of Bermuda's ability to grow food and to fish. Since the thirties, available land for agriculture has been torn up to meet the growing demand for housing and business entities. Further, the growth in international business and tourism has greatly impacted local fish supplies to the extent that fishing 'off the rocks' seems to be dominated solely by our tiny but growing Asian population. This causes much discussion among local residents who are convinced that the only fish to be caught in Bermuda's waters these days are cow-pollies and breams. Neither of these two fish is likely to be taken out of the water by locals except to use as bait for fish pots and long line fishing.

Still, despite the dwindling local food sources, Bermuda continues to thrive. There are several supermarkets and these are organized and stocked much like their counterparts in Canada and the United States. This similarity is not accidental; most of Bermuda's food supplies have been coming from North America for several decades. With respect to meat, other than fish, almost the entire supply comes from North America and Australia.

Bermuda's population has almost doubled since the commencement of the Great Depression which got underway in 1929. The Census of 1931 reported that the residential population at that time was 37.4 thousand. However, the most recent census taken in 2010, reported the population as 64.2 thousand. This was an increase from the total reported in the Census of 1931 of 29.8 thousand or almost 80% over 79 years. This meant that the average annual growth of the actual population was some 377 a year.

In order to bring this last statement into context, one needs only to review the actual change in population as indicated between the most recent census enumerations of 2000 and 2010. During those ten years, the total population rose by 2,178 or by a greatly reduced total of 218 per year. Clearly, this indicates a significant fall in the rate of natural increase and clearly supports the good news that Bermuda is continuing steadily on the road to zero population growth.



BY CALVIN SMITH

Many will no doubt applaud that Bermuda has taken responsibility for its future by encouraging its citizens to reduce the size of their families. I remember back in the day when chief medical officer Dr. Simon Fraser was encouraging Bermudian women to take steps to avoid unplanned births. I had recently returned to Bermuda to work for the Ministry of Finance and was all too conscious of the complaints of the local population that the concerned doctor was only interested in reducing the size of Bermudas Colored population. Given the extreme racism that existed during the time of Dr. Fraser's tenure as Chief Medical Officer such an attitude had great validity for Bermuda's non-white majority population. However, as Bermudian women of both races began to realize that smaller families would enable them better to educate their children, to travel and to have nicely furnished houses, the resistance to Dr. Simon-Fraser's efforts gave way to full cooperation.

I might state in conclusion that Dr. Fraser's work was both praised and condemned throughout the civilized world. In my view, the praise was justified. I knew from

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A renovation of 69 guestrooms and suites in the Poinciana wing of the hotel is also part of phase I. The floor to ceiling renovation will include new furniture, fixtures and equipment inside the rooms, as well as an extension of the dramatic balconies and terraces overlooking Hamilton Harbour. The wireless internet and audio visual features will be upgraded and contemporary new tile and stone will be used in the luxury bathrooms. Modern artwork by Bermudian artists, which has been hand-picked by the family, will also be added. In addition, two ultra-luxury two bedroom suites will be created with extended balconies that will have 180 degree views over Hamilton Harbour. The two-bedroom suites will have a private dining and living room area, as well as two separate bedrooms and bathrooms and a powder room.

One of the most significant elements of the renovation includes the development of a new state-of-the-art marina at the property. When complete, the marina will offer 66 berths and additional docking space for up to 30 vessels, ranging in size to accommodate pleasure craft, tournament fishing boats as well as mega yachts.

Next to the marina, a 50 feet x 50 feet new Gazebo-style bar and grill will be created for spectacular dining right at the water's edge with uninterrupted views of Two Rock Passage. A new kitchen will be built within the bar and grill and will service both hotel guests and locals.

Andrew Green, on behalf of the Green family, comments: "Our vision for The Fairmont Hamilton Princess will reposition the property as the premier hotel in Bermuda. We are excited about the renovation plans and look forward to unveiling the upgrades next year. As our plans take shape, we will ensure a smooth evolution of the hotel to prepare it for the next chapter in its historical development."

Premier of Bermuda, the Hon. Craig Cannonier, JP, MP, says: "Today marks another milestone for Bermuda's tourism industry and the community. An investment of this size in the oldest hotel on the island sends a resounding message that Bermuda is indeed open for business as we expand, grow and upgrade our very special properties. We thank the Green family for their confidence in Bermuda and wish them every success as their renovation plans move forward."

The Hon. Shawn Crockwell, JP, MP, Minister of Tourism & Transport, says: "The Green family's investment will further strengthen the hotel's position as one of the island's foremost assets for attracting international business and leisure visitors. The introduction of a first-rate marina will provide a new product offering for the international luxury yacht charter industry and the significant upgrades to the hotel is sure to provide a boost to tourism."

The project also includes upgrades and renovations to the

hotel's mechanical and electrical infrastructure, as well as renovation of back of the house areas such as the staff cafeteria.

"We appreciate the collaborative approach taken by the Green Family in planning the renovation of the hotel," said Len Czarnecki, General Manager of The Fairmont Hamilton Princess. "I feel very confident that the future of The Fairmont Hamilton Princess looks bright under their ownership. From enhancing the guest experience to providing improvements to colleague areas of the hotel, this is an exciting time at The Fairmont Hamilton Princess."

Additional development plans, scheduled to commence in Winter 2014, include a new landscape design to capitalise on the property's superb waterfront location, relocating the Koi Pond to the front of the hotel to create a dramatic entrance, additional guestroom upgrades in the Gazebo wing and the redesign of guest facilities such as the retail area. Longer term development plans include a new spa, gym and signature restaurant in the Gazebo Lounge.

The multi-year renovation programme will be thoughtfully phased to ensure that the hotel operation is not interrupted. The Fairmont Hamilton Princess will remain open throughout the renovation. The planning application for Phase I is currently under review by the Development Applications Board. Financing for the renovations has been provided by Butterfield Bank.

The OBA Government and its Photo-op Premier

Very soon after winning the election of December 17, 2012, the anti-Bermudian OBA government boasted that it had begun a new era in Bermudian politics and that it was about starting something new in the political arena. Well I can say that we can now identify what is new with the OBA government.

Firstly, the tile regarding a “photo-op Premier” can be justly applied to Premier Craig Cannonier, for that is all you see him engaging in – not a word about policy - and the print media appears to be his biggest collaborator. But the Premier has made history; he is the first national leader of the country to turn his birthday into a national event.

Firstly you saw his picture in a newspaper’s birthday wishes section, and then this was followed up with a full page article, replete with pictures entitled “50 things that you did not know about the premier”. You have to wonder what is next – a national holiday at which time we can all express our best wishes.

But that is the way the OBA government has decided to govern. On the one hand OBA government members in the first meeting of Parliament could be heard almost pleading for the PLP political opposition to ease up on them and not subject them to criticism. Of course, the old UBP guard as having none of it, preferring to keep up the drum beat that it is all your fault, especially in the wake of the recent economic downgrades by international ratings agencies. These

downgrades can be squarely laid at the door of the OBA Finance Minister, Bob Richards’ decision to raise Bermuda’s debt ceiling to twice what it was under the PLP Government.

This of course has come as a great shock to the Finance Minister and the rest of the OBA and its supporters. After all in the wake of May Bloomberg’s fulsome endorsement and other comments of praise from the local Chamber of Commerce to certain elements of international business who now seem to be falling over themselves in praising this government. How could the rest of the world not fall in? Gone is any praise or gratitude to the tireless efforts of former PLP Premier Cox in her trips around the world to agree to the exchange of information between Bermuda and other countries in economic and tax matters. All in an attempt to convince the world that Bermuda is not a tax haven.

But then the OBA government has had to admit that far from introducing new policies, they have had to build or attempt to build on areas and policies that had already been put in place by the PLP Government.

Picture all the jumping up and down at the arrival of the first mega ship, the Norwegian Breakaway. You would have thought that the OBA government was the one who came up with the idea of the development of the Heritage Wharf instead of being in the forefront of the critics who had nothing good to say about this PLP project led by then

THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

Premier Brown. Not a word of praise or recognition was sent to former Premier Brown for the PLP government’s efforts to see that this wharf was built to put Bermuda in position to take these mega ships. And what has come out? For all the praise that seemingly has gone to the OBA government, who it has turned out had not completed the work on the wharf and that the mega ship had in fact docked in the area that the PLP government had built and completed.

In another area which Finance Minister Bob Richards has championed is the idea of so-called shared sacrifice which it is clear that only the workers should bear, especially government employees.

That is why the recent comment by the Finance Minister that BelCo is making too much money off the backs of the Bermudian population is, in my opinion, nothing more than a smoke screen to give the impression that this government cares about the economic burden that workers have had to carry in regard to Bermuda’s high cost of living.

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Summer Employment Programme gets underway



The Ministry of Home Affairs announced today that the 2013 Summer Employment Programme (SEP) got underway on May 20th with more than 150 Bermudian college students working throughout Government, the private sector and the Island's local non-profit and charitable organization and later that day the Minister of Home Affairs, Sen. the Hon. Michael Fahy, JP, met with roughly 20 of the students on the Cabinet Office lawn to offer the youngsters his well wishes for a productive summer season.

Minister Fahy said, "Earlier this month, I announced the name change of the Department of Workforce

Development, and the significance of this transition to ensure and deliver qualified human resources to support Bermuda's economy.

"The SEP continues to be a very positive and worthwhile initiative and it is evidence of this Government's continued commitment to provide development and training opportunities for all to support a sustainable workforce."

Minister Fahy explained that while the Summer Employment Programme has been a longstanding initiative of the Department, it has most recently been overhauled and modernised to assist participants in the development of their

career goals by connecting their summer work experience to their academic learning.

The Minister continued, "I have been advised that this year we have some exceptional students who are ready to engage in this work experience opportunity and eager to learn.

"Students are selected to participate in the programme based on academic merit, full-time enrolment in a college or university, community involvement, a formal interview, and written essays detailing career goals and educational pursuits. Participants are provided exposure to employment opportunities within Government and the private sector where they learn leadership and

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Shame and Blatant Hypocrisy

by E. McNeil Stovell

Wednesday, May 8, 2013 should have been a day for all to remember. It was the day that an article appeared in the Royal Gazette concerning a government civil servant, Mrs. Dorianne Hurdle, who was disciplined for giving her former “boss”, the former Attorney General and Minister of Justice, Mrs. Kim Wilson, information about a civil service position that was supposed to have been advertised through the Attorney General’s Department but not been advertised. Subsequently, it has been revealed that the person considered for a job, worked for the present Attorney General in his former law office.

Remember, the information that was being sought after was not confidential government information. Mrs. Wilson is an elected Member of Parliament, and was only seeking information that she needed for debate in the House of Assembly. I believe that this was information that any member of the public can go and receive from that same department.

So, why was this simple process blown so out of proportion to the point that a civil servant was reprimanded? The way which the Royal Gazette wrote the article? And in the manner in which the Gazette tried to make it seem that a PLP MP was committing, or had committed some underhanded and unethical act! Each of these observations were far from the truth.

Now here is where it all just seems so blatantly hypocritical, the OBA fought their campaign partly on information some believe came from civil servants who were acting as moles. But what we do know for sure is that someone stole information from the Police that seemed to have helped the OBA win the government.

But do you remember when the PLP government started an in-house investigation into some government departments where it was thought that money was being spent on items that were not for government use?

The above information had never been made public, yet what seemed to have been an OBA mole gave them that information and they, the OBA, went wild with it. Remember Michael Dunkley, when he took and made public insurance information that he got from a mole at BF&M, and ran with it, with hopes that it would help the OBA win the next government.

What makes matters worse, is the fact that since the OBA has won the government, they just can’t seem to stop doing all those back flips that is exposing the hypocrites that they are. Have we forgotten that these are the same people over the whole time that the PLP were the government screaming about transparency, openness of government, government must seem to open to the sunshine of day, and all that seemingly endless talk about the Whistle Blowers act, and yet, here they are showing the whole of Bermuda just how much of a bunch of hypocrites that they truly are.

Then again, is it true that the Royal Gazette has made a pledge not print anything negative about the OBA in their paper? People are now asking why the debate that was held in Parliament on Friday, May 17, 2013, as of Tuesday, May 21, 2013, which is three days later, has not yet been printed in its entirety? The people of Bermuda are yet to read anything in that paper about the debate that was held in Parliament on Friday, May, 17, 2013 and are now wondering if the whole thing about the making of the above pledge by the Gazette is really true?

Remember, keep your copy of the Royal Gazette dated May 8, 2013, and it’s going to come in as a handy reference down the political road in time soon to come. And don’t forget to ask, “Has the OBA, since December 17, 2012, forgotten about their quest for transparency, open-government and the passing of the “Whistle Blowing” act?”

Treasure islands in trouble

Britain's Caribbean dependencies have been hurt by economic stagnation, the war on tax havens and their own fiscal recklessness and corruption



LAST month McKeever Bush, the ousted premier of the Cayman Islands, appeared in court to contest a string of charges, some stemming from alleged use of his government credit card in American casinos. His next date with the judge is in June. But in a general election on May 22nd voters delivered their own verdict: with most votes counted, it seemed they had re-elected Mr Bush to the West Bay seat he has held since 1984.

With or without the Bush affair, corruption would have been high on the list of election issues in a society

where “everybody expects that you are going into politics to make your money”, as a former auditor-general recently put it. But there is plenty more to worry Caymanians and the inhabitants of Britain’s other remaining scraps of empire in the Caribbean: Anguilla, the British Virgin Islands (BVI), Montserrat and the Turks and Caicos Islands. Tourism and international finance have brought prosperity but the “twin pillars” are showing cracks. Fiscal fumbling has compounded the problem and has strained relations with Britain, which has long provided an economic backstop. The region’s

two big tax havens, Cayman and the BVI, are under attack as never before.

The world economic slowdown hit these small, open economies hard. Tourism, the biggest employer, has rebounded but remains below its peak in some places. Arrivals by sea in the BVI were 667,000 last year, down from 802,000 in 2008. (A new dock capable of handling the largest cruise ships is expected next year and there are plans to upgrade the airport.) Finance, the biggest earner, is a mixed bag. Offshore shell-company registrations (a BVI speciality) are back near record levels. Hedge funds and banking

Managing Bermuda's Economic Growth

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numerous conversations with Dr. Simon Fraser that he wanted a better life for all Bermudians, particularly those of colour. He told me often that he could not understand why people had such difficulty in understanding that if lower income families had fewer children they would have a greatly increased ability to provide a good education for their children. He insisted that a good education would be the best way to overcome the many racial barriers to progress that existed for Bermuda's non-white population. He emphasized often that Bermudians would not be able to develop to their full potential until they learned that it was vital that they rid their society of the concepts that race and national origin were important factors in determining the social, political, and economic development of any Bermudian.

The OBA Government and its Photo-op Premier

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If they cared all that much, then why did they overturn the decision of the former PLP government not to allow the rate raise that BelCo requested?

Now the OBA wants Bermuda's government workers to take large pay cuts without insisting that the banks and other businesses that are impacting economically on the Bermudian workers must make similar sacrifices. Which makes any call for shared sacrifice nothing more than a farce. There are Hard days ahead – days in which the workers of this country will have to stand up for their rights and be prepared to defend the gains made after long years of struggle and sacrifice.

Do you Know the Truth About the "Church"?

Take the following quiz to assess your knowledge.

TRUE or FALSE (Circle the correct answer (T or F))

- T or F Jesus is the HEAD of the CHURCH.
- T or F Jesus purchases the church with his blood?
- T or F The Lord adds the saved to the church
- T or F The church is the kingdom of God
- T or F The church is the body of Christ.
- T or F One must go to the church to worship God.
- T or F The word "Church" comes from the Reek word Ekklesia.
- T or F In the New Testament believers worship in churches.
- T or F The Holy Spirit through the apostles put the word "Church" in the scripture.
- T or F Jesus said "I will build my church".
- T or F One must be a member of the church to go to heaven.

So how did you do? Brace yourself. The correct answers to all of these questions is "false". If you missed some, you need to understand the truth about the church explained in the Scriptures in our FREE Articles.

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Treasure islands in trouble

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(mostly Cayman) are down by 10-20%.

The real problem is not sagging revenues but public-sector profligacy, argues Gordon Barlow, a former head of the Cayman chamber of commerce. In 2005-09 growth in government spending averaged 12% a year as the civil service ballooned. The loss-making state-owned airline has sucked in subsidies equal to Cayman's entire public debt, Mr Barlow estimates.

The Overseas Territories' economic problems are not as severe as those of independent Jamaica and St Kitts and Nevis, which have had to restructure their debts. But the depletion of their reserve funds spooked Britain into imposing fiscal plans with borrowing limits last year. Negotiations have been difficult. Anguilla's chief minister, Hubert Hughes, signed a pact last month, but not before accusing Britain of being "hell-bent on destroying the livelihood of the people". He has called for an independence referendum.

In some cases Britain has pushed for income taxes to supplement the fees and indirect taxes that the territories rely on. But these do not go down well with footloose offshore types. Under pressure from the Foreign Office, Cayman's government last year proposed a 10% levy for foreigners, who make up half the

38,000 workforce. This was scrapped when businesses squealed. Wary of scaring away business, the BVI has not raised the \$350 fee for incorporation since 2004.

Avoiding fee rises is seen as important at a time when tax havens are under bombardment, especially from Europe. The five territories, Bermuda and others have been arm-twisted into backing a multilateral scheme for the automatic exchange of tax information. A longer-term threat is the growing international call for public registration of the "beneficial" (ie real) owners of companies and trusts. Standards must be applied evenly, says Orlando Smith, premier of the BVI, "otherwise, businesses will simply go to other jurisdictions."

Offshore optimists note that China and Russia, whose citizens are big users of Caribbean havens, have not signed up to the information-sharing pact. But remaining attractive to clients while complying with ever more stringent international rules is "an increasingly difficult needle to thread", says Andrew Morriss of the University of Alabama. No wonder the territories are trying to diversify away from finance, which in the BVI's case accounts for 60% of government revenues. Anguilla is looking at fishing, Cayman toying with medical tourism. But hip replacements will not be as lucrative as hedge funds.

Britain is gently encouraging these efforts, while recognising that, as an official puts it, "There isn't a long list of options." It is trying to improve governance, too. After it threatened to veto a Cayman port project which had been awarded to a Chinese company without an open tender, bidding was restarted. Britain retains the power to block laws, suspend constitutions and dismiss governments. The Turks and Caicos constitution has been suspended twice, most recently in 2009 after an inquiry found "a high probability of systemic corruption". This led to three years of direct rule by the British-appointed governor.

Putting your man in charge is one thing, putting money on the table quite another. To avoid it, Britain will have to play its hand carefully. It has to be seen to join the likes of France and Germany in taking a firm stand against offshore financial shenanigans, especially now that the prime minister, David Cameron, has made tax and transparency themes of this year's G8 agenda. On May 20th he told Britain's dependencies to "get [their] houses in order". But if the havens lose their cash cow, they might have to go cap-in-hand to London. "Taxpayers Bail Out Tax Havens" is the last headline Mr. Cameron wants to see.

Editor's Note: This article was shared with us by Public Services International

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Teachers, Students and Parents Fight Chicago School Closures

After the Chicago Board of Education approved a proposal from Mayor Rahm Emanuel (D) to close 50 of the city's public schools, the Chicago Teachers Union (CTU) vowed to take legal action to stop the closures and to challenge supporters of the mayor's plan with grassroots mobilization. The closures come despite widespread opposition to the plan and five days of rallies, sit-ins and other efforts.

CTU President Karen Lewis strongly condemned the board's action:

Members of the Board of Education, the school CEO, the mayor and their corporate backers are on the wrong side of history. History will judge them for the tragedy they have inflicted upon our students, and

it will not be kind.

Randi Weingarten, president of the AFT, applauded Lewis and the efforts led by the CTU in opposition to the closings: "That is not what the people want and will not help children. Apart from what it means for the continuity and stability of children's schooling, the evidence makes clear these mass closings will destabilize neighborhoods, and it has raised serious safety concerns for children in a city where there is already too much violence."

The closings marked the largest mass school shutdown in American history. An investigation by radio station WBEZ found that most of the claims the mayor and his allies made in supporting the closings were questionable at best.

AFT argued that school closures create more problems than they solve: "When schools are closed, the ramifications run deep. Students are disconnected from the productive, caring relationships they had with school staff. Kids accustomed to walking to school are forced to travel farther—often through dangerous areas—to get there. And neighborhoods often lose an institution that had served as an important community hub."

Among the many speeches given in opposition to the closings, the most rousing was from 9-year-old Asean Johnson, who led a crowd in chants of "education is our right, that is why we have to fight!"

Canada's Court of Appeal Upholds Firing of Union President

The Federal Court of Appeal has upheld the Canada Border Services Agency's 2007 firing of union local president John King for allegedly counselling an illegal strike. In a celebrated case that helps define the limits of a public sector union's communications with its members, the Federal Court of Appeal has upheld the Canada Border Services Agency's 2007 firing of a union local president for allegedly counselling an illegal strike.

John King had been on union leave for more than a decade from his job as a customs inspector at Toronto's Pearson Airport when he was disciplined — and later fired — for posting an update on negotiations over a scheduling dispute on the union local website of CEUDA, a component of the Public Service Alliance of Canada.

The dispute involved scheduling changes by CBSA that required some of the agency's inspectors to work 60

days more per year. PSAC filed a policy grievance, which was allowed in part in 2009, alleging the new schedule was a breach of the collective agreement, but the issue became a key dispute when the collective agreement expired in June 2007.

In a website update on Sept. 11, 2007, King — then president of CEUDA's Local 24 — told union members he had been pressing PSAC and CEUDA leaders "for support to

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EAP CLIPS: June 2013

TEN WAYS TO EMBRACE CHANGE

Blindsided by a job loss, the unfamiliar isn't to be feared. It can be a chance to turn your life around.

The author lost her job a few years ago in a shrinking industry but far from letting it ruin her life, it gave her the chance to do things she had always hoped to do. In the process, she discovered a lot about how to survive when head-rattling transformations are thrust upon you. Here are some of the tricks she picked up along the way.

1. **Don't just do something; sit there.** If you are facing a massive rescaling of your life, your first impulse will be to go into a whirling spin of activity. There is a lot of value to sitting quietly instead. You need to allow yourself a fallow period before you can blossom.
2. **Mother yourself a little.** When familiar routines suddenly dissolve, it can seem as if all your supports are gone. For a while there is a sense of being in free fall. It's crucial while absorbing the shock of the new, to make yourself feel well taken care of. Prepare nutritious meals for the week ahead. If you can spare the cash, have someone come in and clean the house. Yes, you need to take some time for yourself.
3. **Ignore your inner reptile.** There's a part of the human mind that is often referred to as the "lizard brain," because it existed in even the earliest land animals. The lizard brain is concerned with survival; it likes the tried and true, so it's likely to pipe up right now, flooding you with adrenaline warnings of "Danger!" as you veer off course. This was a handy function to have when deviating from the familiar path to the watering hole may have led to an encounter with a saber-toothed tiger. In the modern world it's like a misfiring alarm: pointless and annoying.
4. **Silence your inner know-it-all, too.** If you are so smart that you can't re-think your position, all your IQ points won't do you much good when your life is turned upside down.
5. **Seek out new perspectives.** Zen practitioners cultivate the "don't know" mind; they work to assume they don't know anything and in that way see the world fresh. This is a way to approach change – as an opportunity to start anew, to consider possibilities. Ask naïve, wide-eyed questions of anyone who is doing anything you might be interested in trying. Listen seriously to arguments you might once have dismissed.
6. **Try something new and slightly scary.** Why? Because now is the time to explore what it is that you really like.
7. **Be skeptical of common wisdom.** It's dangerous to live in the aggregate, especially when you're trying to figure out your next move. One year, everyone knows you need an MBA to succeed in everything. The next, they're saying there are no jobs out there anyway, so don't even try.
8. **Learn to live with uncertainty.** That anxious feeling does not signal that you're doing something wrong, only that you're trying something new.
9. **Say "really?" a lot.** When you start to turn this sudden shift in your life to your advantage, you might shake up a lot of people, especially the ones who aren't happy with how they're living. To them your efforts to move forward may feel like a glaring searchlight that needs to be switched off and fast. To their descriptions of the terrible fates that will surely befall you if you dive headlong into a new life, respond with "Really?" Alternatively, "Oh, yeah?" works too.
10. **Shed your old skin.** Discard physical clutter, tired ideas, and old routines. It is only when you cast off what has been weighing you down that you can finally move on.

By Katherine Russell Rich

If you need help, contact **EAP of Bermuda** at 292-9000.

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Canada's Court of Appeal Upholds Firing of Union President *continued from page 14*

walk off the job now," adding: "If management meets and proposes nothing more than what they proposed last February, be prepared to support future union activities."

Six weeks later, CBSA management abruptly informed King that if the posting was not removed within two days, he would be subject to disciplinary action up to and including dismissal.

Though King had the posting removed from the website the next day, he was suspended for 30 days by John Gillan, CBSA's deputy head, for "counselling or procuring an illegal work stoppage." That, Gillan said, contravened the Public Service Labour Relations Act and constituted "a serious act of misconduct."

The day after he was suspended,

King posted a second message on the Local 24 website, purportedly intended to inform union members of the reasons for his suspension. In doing so, he reproduced the two sentences from the first posting that prompted the disciplinary action.

That led to a second disciplinary hearing and, on Nov. 20, 2007, CBSA terminated King's employment. PSAC grieved King's suspension and firing, but the grievances were denied in 2010 by the Public Service Labour Relations Board, which said King had broken "the bonds of trust" with his employer.

The board said King's actions had shown that he was "not able to control his strongly held views and keep within the bounds of legality. This demonstrates his lack of ability

to perform his duties as a public service employee in a position of trust."

In 2012, the Federal Court of Canada dismissed an application for judicial review of the board's decision. And in a decision dated May 16, the Federal Court of Appeal dismissed King's appeal of that decision, saying his disagreement with the outcome "does not establish that the decision is unreasonable."

PSAC officials did not respond to a request for an interview on the court of appeal's decision. But in a posting about King's case on its website earlier this month, PSAC said the appeal was consistent with its "long history of defending workers who speak out as part of their union work."

Summer Employment Programme gets underway *continued from page 8*

decision-making skills and are exposed to career and work competency standards.

"We recognize that it is important that we provide genuine opportunities for our next generation whether they are embarking on their studies or about to enter into the workforce by affording our young people access to real-world work experience, training and support."

Some of the academic programmes that students are enrolled in include the fields of: Law; Business (Global Management, Accounting, Finance, Human Resources); Health (Pre-Medical, Physical Therapy, Global Health); Science (Environmental Science, Zoology); Human Services; Education; Information Technology; Mechanical

Engineering; Motor Vehicle Mechanics; Television and Film Production; Tourism; and Arts and Communication.

Over the course of the summer, each student will complete the 10-week programme with 100% placed in their fields of study. For their efforts they will receive a \$5,000 stipend.

Minister Fahy concluded, "This Government is heavily vested in our young people and that is demonstrated by our commitment and support of the Summer Employment Programme. We have increased the number of opportunities for work experience from 100 to 150 students.

"This was largely in anticipation of students returning from college seeking employment and to ensure that

opportunities are provided for those students studying Technical Trades. As anticipated, the programme has been oversubscribed with overwhelming interest.

"It is important that our students are exposed to various work environments which stimulate their career interests. In addition to the meaningful work experience, students participating in the programme this year will engage in a Community Service Project, to encourage volunteerism, community consciousness and awareness. A committee of students will conceptualize the project for their peers to engage in, and I personally look forward to seeing the fulfilment of this initiative."

LETTERS TO THE EDITOR

May 13, 2013

Dear Editor,

I read with a smile the headline and story in the Royal Gazette regarding the Tourism Minister's recent trip to the UK.

"UK Tourism Blitz Hailed As Success" the headline read.

I wish Minister Crockwell and his team all the best.

However, I recall the same newspaper, after Former Premier Dr. Ewart Brown had strung together 3 days of non-stop interviews (including the BBC and CNN), a photo-op in a pink taxi and receptions, etc, writing a story about the cost of the trip to the Bermudian taxpayer.

What a difference an election makes!

Just Watching
Hamilton, Bermuda ■

Dear Editor,

With all of the noise that is being made about the private jet trip made by Premier Cannonier and Ministers Pettingill and Crockwell, I thought I would remind Bermudians that Premier Brown also was offered a trip on a private jet to Washington, DC, however, unlike the OBA entourage, Premier Brown made no secret about the trip, whose jet he was flying on and who accompanied him on the trip. In fact, the trip was reported in the Royal Gazette June 28, 2008 as follows;

"Dr. Brown flies to DC on private jet

By Jonathan Kent, in Washington, DC.

The Department of Tourism's advertising agency offered Premier Ewart Brown a ride to Washington on a private jet, so he could watch the World Cup clash with Trinidad on Sunday and meet US President George W. Bush at the White House yesterday morning.

Sunday night's flight was arranged with the help of Don Coleman, of Global Hue, who had an employee on board.

Also on the plane were Dr. Brown, his Press Secretary Glenn Jones and a security official.

The Department of Tourism's advertising agency offered Premier Ewart Brown a ride to Washington on a private jet, so he could watch the World Cup clash with Trinidad on Sunday and meet US president George W. Bush at the White House yesterday morning.

"A friend offered to give us a ride, one of our tourism partners," Dr. Brown said. "When they found out I was between a rock and a hard place, either I was going to miss the game or I was going to miss meeting the President, neither of which I wanted to miss, they offered to give us a ride so the Press Secretary, my wife (Wanda Henton Brown), a security official and myself went.

"We have asked the company for an invoice in the amount equivalent to commercial first-class tickets for the three of us and my wife is writing a cheque to the company for her own ticket."

A statement from Cabinet Office yesterday read: "Although it is not typical for the Premier to travel on country business by private plane, one was utilised on this occasion because there was no viable commercial flight option allowing the Premier to attend the Bermuda versus Trinidad football match on Sunday night at the National Sports Centre and the meeting with President George W. Bush on Monday morning at the White House.

"Both engagements are viewed as having high national importance. Neither engagement could be rescheduled.

"As an added benefit, the non-commercial flight option permitted the Premier to participate in the annual Senior Citizen' Tea at the Botanical Gardens on Sunday afternoon and a breakfast meeting with former Federal Reserve chairman Dr. Alan Greenspan on Monday morning."

The plane flew to Washington Dulles Airport. The Bermuda delegation will return to the Island on commercial aircraft."

Unlike Premier Cannonier, Dr. Brown was open and up front about his trip, whose plane was used and the purpose of the trip. Yet, the OBA promised to be different from the PLP, i.e. open and transparent. However, he, Premier Cannonier, has told the Bermudian people that the reason for his trip with his two cabinet ministers is a secret and that it's really nobody's business whose jet plane they flew on.

Louis Somner,
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