



## MINISTERIAL STATEMENT

Presented by:

**The Hon. Jason Hayward, JP, MP**  
**Minister of Economy and Labour**

### **Strengthening the Enforcement Powers of Bermuda's Employment and Labour Relations Tribunal**

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**Mr. Speaker,**

I rise today to lay for the information of this Honourable House the policy paper entitled **“Strengthening the Enforcement Powers of Bermuda's Employment Tribunal.”**

The Employment and Labour Relations Tribunal is a cornerstone of Bermuda's labour relations framework. It provides employees and employers with an accessible forum to resolve workplace disputes fairly, efficiently, and in accordance with the law. For many Bermudians, the Tribunal represents the most practical avenue through which workplace grievances can be heard and justice can be achieved.

However, **Mr. Speaker**, while the Tribunal has served Bermuda well, experience over recent years has demonstrated that aspects of the current legislative framework require modernisation.

Concerns identified by the Tribunal itself include delays in proceedings, procedural gaps that place employees at a disadvantage, challenges associated with statutory decision-making timelines, and, most significantly, instances where there is a lack of compliance with Tribunal orders.

When an employee successfully pursues a claim before the Tribunal and receives an award, that award must mean something. Justice delayed is difficult enough; justice denied through non-compliance is entirely unacceptable. The Government is therefore committed to ensuring that Tribunal decisions are not merely advisory in nature but are respected, enforceable, and capable of delivering real outcomes.

**Mr. Speaker,**

The policy proposals contained within this document are practical, balanced, and informed by stakeholder engagement, the Tribunal's own experience, and international best practice. They seek to strengthen confidence in Bermuda's employment justice system while maintaining fairness for responsible employers.

**Mr. Speaker,**

The first proposal addresses disciplinary actions undertaken during employee rest periods and leave. While existing legislation restricts the issuance of termination notices during certain periods of leave, there remains a legislative gap regarding disciplinary warnings and related actions. The proposed reform would generally prohibit disciplinary measures from being issued during weekends, rest days, after working hours, or while an employee is on vacation or other approved leave, except in limited circumstances involving documented and time-sensitive risks.

This reform will provide employees with greater protection from undue pressure while ensuring that employers retain the ability to address serious misconduct where necessary. It promotes fairness, reduces workplace conflict, and reinforces proper procedural standards.

**Mr. Speaker,**

The second proposal seeks to strengthen the Tribunal's authority to manage its hearing schedule effectively. In recent years, cases have been delayed by repeated scheduling disputes, late requests for adjournments, and procedural tactics that have prolonged hearings for months and, in some instances, more than a year.

The proposed changes will establish clearer rules regarding hearing date variations, impose firm deadlines for scheduling requests, and create a presumption that hearings may proceed where reasonable dates have been repeatedly refused without valid cause. These measures will reduce unnecessary delays, improve efficiency, and ensure that both employees and employers receive timely resolutions to their disputes.

**Mr. Speaker,**

The third proposal addresses decision-making timelines. Currently, Tribunal decisions are required to be issued within 30 calendar days. While well-intentioned, this requirement has proven challenging in practice. The proposal would replace the current standard with a 30-business-day timeframe, providing Tribunal members with a more realistic period to prepare comprehensive and well-reasoned decisions.

Importantly, this change is not about slowing down justice. Rather, it is about ensuring that decisions are accurate, thorough, and capable of withstanding scrutiny while maintaining strong performance expectations.

**Mr. Speaker,**

The most significant reform contained within this policy paper relates to enforcement.

At present, when employers fail to comply with Tribunal awards, employees are often forced to pursue further legal action through the courts. This process can be expensive, time-consuming, and discouraging, particularly for employees who have already succeeded in proving their case.

The Government is proposing a clear and graduated enforcement framework that introduces meaningful consequences for non-compliance.

Under the proposed system, an employer's first failure to comply would result in a formal notice and an opportunity to rectify the breach. Continued non-compliance would result in civil penalties of \$15,000 per affected employee, in addition to the original award. Persistent offenders would be publicly identified through a Compliance Watch List and could be subject to broader public notices issued by the Government.

These measures are designed to strike an appropriate balance between fairness and accountability. Employers will be afforded reasonable opportunities to comply, but persistent disregard for Tribunal decisions will carry both financial and reputational consequences.

**Mr. Speaker,**

The benefits of these reforms are significant.

They will strengthen confidence in Bermuda's labour relations system by ensuring that Tribunal decisions lead to meaningful outcomes. They will improve access to justice by reducing the need for employees to pursue costly enforcement actions through the courts. They will encourage greater compliance with employment law and create a more predictable and transparent framework for employers and employees alike.

Ultimately, these proposals represent a targeted modernisation of Bermuda's employment justice system. They reinforce the principle that Tribunal decisions must not simply exist on paper, they must be respected, enforced, and capable of delivering real remedies for those entitled to them.

**Mr. Speaker,**

A fair and effective labour relations system is essential to a modern economy. By strengthening the powers of the Employment and Labour Relations Tribunal, we are strengthening confidence in our institutions, supporting fair workplaces, and ensuring that Bermuda's employment framework continues to serve both employees and employers effectively.

The policy paper, "**Strengthening the Enforcement Powers of Bermuda's Employment Tribunal,**" sets out these improvements clearly, and I lay it for the information of this Honourable House.

Thank you, **Mr. Speaker.**