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Employers and Govt. in work permit talks:

By Alex Wright

Employers and international business representatives are understood to be in talks with Government over a change in the policy on work permit term limits, it has emerged, at the same time as the Cayman Islands softened its stance on its rollover policy for guest workers.

The Cayman Islands' Premier McKeever Bush announced plans last week requiring expatriate employees subject to the rollover policy to leave the country for a shorter period of time before returning than the currently stipulated one-year limit after a maximum of seven years' service, as reported in the Cayman Net News.

Bermuda's Government has come under fire for its immigration policy from business leaders in recent months, with David Ezekiel, chairman of the Association of Bermuda International Companies (ABIC) labelling term limits as "ill-conceived" and a "major barrier" for businesses during his speech at a Hamilton Rotary Club meeting in November, while the Bermuda First Committee report published in October recommended waiving term limits and work permits for occupations that historically have permits approved 100 percent of the time.

But Martin Law, executive director of the Bermuda Employers Council (BEC), said that the BEC, ABIC, the Bermuda Hotels Association and other organisations had been lobbying Government for a change in policy for a number of years and said the dialogue between all parties on the matter was ongoing.

Doug Soares, partner at Expertise Ltd., said that employers continued to make their cases known to Government and remained hopeful that a change would be forthcoming.

"There will never be an empirical measure of the negative impact of term limits in Bermuda," he said. "Like Cayman, in Bermuda we must be prepared to make changes based on the experiences reported by employers trying to compete in a fiercely competitive global market."

He said it came as no surprise that Cayman was rethinking its term limits policy, adding that when he was invited to give the keynote address on the same topic at an HR conference held there in 2008, employers there appeared to be extremely concerned about the issue.

"I encouraged them to feed back their experience to government in a constructive way rather than debate the issues in the press," he said. "The business community have obviously been successful in their efforts to convince the government to rethink this policy."

Cayman government's latest proposals would reduce the period of required absence from the country in a bid to stem job losses and outsourcing to rival jurisdictions.

"The current immigration law is causing Caymanians to lose jobs and we are examining the rollover policy, with a view to changing it," Mr. Bush said during his speech at the Cayman Business Outlook 2010 held at the Ritz Carlton in Cayman last week.

"I am proposing a change to the rollover policy with the view of cutting down on the rollover time."

The rollover policy was established to prevent expatriate workers from remaining in the Cayman Islands for more than 10 consecutive years, which would allow an expatriate the right of security of tenure.

Mr. Bush said that the immigration review team was looking at how the mandatory one-year term could be reduced to reflect a period of anywhere from three to six months.

"The current one-year time period required upon being rolled over, is being examined to see if the time frame should be reduced to three or six months," he said.

On revising the immigration law, Mr. Bush said: "The Government is doing what we believe is necessary to protect the long-term interests of the Caymanian people." He added: "We cannot just be a transitory country and survive in this new economy."

He said that, due to the current policy, many expatriates had little commitment to the country. "Our immigration problem is a huge issue," he said.

Mr. Bush explained that businesses have complained that they are finding it harder to keep personnel "because people are being rolled over and are now looking at other jurisdictions, and businesses are leaving the Islands, resulting in Caymanians losing their jobs, and we are being hurt all round because of the rollover policy".

He also said that the immigration law was paramount in helping to revive the economy.

"It is very possible to attract inward investment, by encouraging those already here to stay while at the same time protecting Caymanian jobs," he said.

The Cayman Net News reported that the Premier had had one-on-one contact with several businesses operating in the Cayman Islands, with immigration being flagged as a key issue for the economy in the long term.

Mr. Bush added that he has seen the result of the refusal of work permits for senior staff for companies doing business in the Caymans, with some moving their operations abroad, resulting in a loss of jobs.

"It is also about protecting dozens of support and middle management jobs for Caymanians," he said. "We are of the view that we cannot continue to lose businesses and jobs to other countries."