

## Open Agenda

Copy No:

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### Memorandum for Executive Council

SUBJECT

### Labour Regulating Authority (LRA) Employment Rights Ordinance Guidelines

Memorandum by the  
Chairman of the Employment and Education Committee

ADVICE SOUGHT

1) **Executive Council is asked to consider and advise whether the Labour Regulating Authority (LRA) Employment Rights Ordinance guidelines on best practice and codes of practice in employment protection for employers, employees and workers should be approved.**

BACKGROUND &  
CONSIDERATIONS

- 2) The LRA has issued guidelines and codes of practice which are found at: <https://www.sainthelena.gov.sh/public-services/labour-regulating-authority/>. These documents were issued after a one month consultation process followed by consultation with the Governor in Council. The guidance documents have been divided into ‘packs’ to assist those seeking information on particular topics. Sometimes there will be more than one document on a particular issue, for example on disciplinary procedures.
- 3) The documents are aimed at employers and employees. The guidance and codes of practice are designed to ensure that all employers engage in best practice in the way that they treat employees, and that employees know what is expected of them and what their rights are. The codes of practice and guidance represent what the LRA considers best practice in employment law within the limitations of the Employment Rights Ordinance 2010.
- 4) When considering any claim brought before it the LRA will look to employers and employees to demonstrate that they have had regard to the guidance and codes of practice issued.

Guidance documents:

#### The Contract of Employment Pack

1. GUIDANCE ON THE CONTRACT OF EMPLOYMENT
2. GUIDANCE ON AMENDING A CONTRACT OF EMPLOYMENT

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### 3. SAMPLE CONTRACT OF EMPLOYMENT – STATEMENT OF INITIAL EMPLOYMENT PARTICULARS

#### **The Disciplinary Procedures Pack**

#### 4. GUIDANCE ON DISCIPLINARY PROCEDURES

#### 7. GUIDANCE ON CARRYING OUT AN INVESTIGATION

#### 8. GUIDANCE ON APPEALING A GRIEVANCE OR DISCIPLINARY DECISION

#### 9. SAMPLE DISCIPLINARY PROCEDURE – ANY ORGANISATION

#### 10. SAMPLE DISCIPLINARY PROCEDURE – SMALL ORGANISATION

#### 12. TEMPLATE LETTERS FOR EMPLOYERS IN GRIEVANCE AND DISCIPLINARY PROCEDURES

#### 13. TEMPLATE LETTERS FOR EMPLOYEES IN GRIEVANCE AND DISCIPLINARY PROCEDURES

#### 14. THE CODE OF PRACTICE ON DISCIPLINARY AND GRIEVANCE PROCEDURES

#### **The Grievance Procedures Pack**

#### 5. GUIDANCE ON GRIEVANCE PROCEDURES

#### 7. GUIDANCE ON CARRYING OUT AN INVESTIGATION

#### 8. GUIDANCE ON APPEALING A GRIEVANCE OR DISCIPLINARY DECISION

#### 11. SAMPLE GRIEVANCE PROCEDURE – SMALL ORGANISATION

#### 12. TEMPLATE LETTERS FOR EMPLOYERS IN GRIEVANCE AND DISCIPLINARY PROCEDURES

#### 13. TEMPLATE LETTERS FOR EMPLOYEES IN GRIEVANCE AND DISCIPLINARY PROCEDURES

#### 14. THE CODE OF PRACTICE ON DISCIPLINARY AND GRIEVANCE PROCEDURES

#### **The Capability Procedures Pack**

#### 6. GUIDANCE ON CAPABILITY PROCEDURES

#### 7. GUIDANCE ON CARRYING OUT AN INVESTIGATION

### **FINANCIAL IMPLICATIONS**

5) There are no financial implications for SHG or employers

### **ECONOMIC IMPLICATIONS**

6) There are theoretically no new economic implications from the guidelines, but having legislation written in a public-friendly format and available to the public could result in more cases being brought to the Labour Regulating Authority. This could be by employees and workers concerning non-compliance by employers. But on the other hand they will also afford employers more protection.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES**

7) None of the five Investment Policy (2018) principles refer to employment rights. However the Employment Rights Ordinance (2010) and its guidelines support socially responsible investment as they protect the interests of

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employees, workers and employers.

### **PUBLIC/SOCIAL IMPACT**

- 8) The guidelines will facilitate fuller understanding of the legislation and its implications and what needs to be done to support compliance in the interests of employees, workers and employers. There have been reports of misunderstandings, particularly with respect to employers grounds for justifying a dismissal.
- 9) The guidelines have been produced in simple format that is accessible to those on small broadband packages – socially inclusive. They are also available in hardcopy from Judicial Services and the Equality and Human Rights Commission.

### **ENVIRONMENTAL IMPACT**

10) N/A

### **PREVIOUS CONSULTATION/ COMMITTEE INPUT**

11) One month public consultation, April 2021. Considered by the Education and Employment Committee on 21 July 2021

### **PUBLIC REACTION**

12) These guidelines will be welcomed by employers, employees and workers as they provide clarification of legislation in language more familiar to the lay person.

### **PUBLICITY**

13) ExCo's decision will be covered in the radio briefing following the meeting.

14) The guidelines are already available on the SHG website and further publicity will follow to raise awareness. The guidelines will also be gazetted.

### **SUPPORT TO STRATEGIC OBJECTIVES**

- 15) Strategic Outcomes:
- a) Altogether wealthier ... in terms of promoting a good quality of life
  - b) Altogether safer .... in terms of promoting well being
  - c) Altogether healthier.... In terms of promoting security at work

### **LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS**

16) This supports the following goals of the SEDP:

4. Mitigate impact of inflation on the lower income groups
8. Develop, maintain and attract a skilled workforce

**CRB**

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### OPEN/CLOSED AGENDA ITEM

17) It is recommended that this is held in open session.

Central Support Service

*21<sup>st</sup> July 2021*

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