



Department of Labour & Pensions Publication Scheme

Produced in accordance with the Deputy Governor's Code of Practice

CONTENTS:

1. About the Publication Scheme
2. Information that may be withheld
3. Methods of access
4. Fees and charges
5. Requests for information outside the publication scheme
6. Complaints
7. Categories of information

1. About the Publication Scheme

Every public authority covered by the Freedom of Information Act has a legal duty to maintain a publication scheme.

The purpose of a publication scheme is to make information readily available to the public without the need for specific written requests. Schemes are intended to encourage authorities to proactively publish information, to develop a culture of openness and participation.

The publication scheme lists the information which is readily available to the public. The list is divided into seven (7) different categories of information to help you find the documents you are looking for.

This publication scheme commits the Department of Labour & Pensions to making information available to the public as part of its normal business activities.

The Department of Labour & Pensions will:

- specify the information held by the authority, which falls within the seven (7) categories below;
- proactively publish or otherwise make routinely available, information which is held by the authority and falls within the categories below;
- describe the methods by which specific information is made available, so that it can be easily identified and accessed by members of the public;
- list any fees charged for access to information described in this scheme;
- publish or otherwise make information available, in accordance with the methods and fees stated in this scheme;
- make this publication scheme available to the public;
- Regularly review and update the information made available under this scheme.



2. Information that may be withheld

The Department of Labour & Pensions will generally not publish:

- information in draft form;
- information that is not held by the Department of Labour & Pensions or which has been disposed of in accordance with a legally authorized disposal schedule;
- information that is not readily available – for example information that is contained in files that have been placed in archive storage, or is otherwise difficult to access;
- Information which is exempt under the FOI Act or otherwise protected from disclosure – for example personal information; or commercially sensitive information. Records containing exempt matter will be published in a redacted form¹, where ever it is practical to do so, indicating which exemptions apply.
- Information which under the National Pensions Act is not available to the general public.
- Information which under the Labour Act is not available to the general public.

In maintaining this publication scheme, our aim is to be as open as possible.

However, there may be limited circumstances where information will be withheld from one of the categories of information listed in *Section 7: Categories of information*.

Information will only be withheld where the FOI Act expressly permits it.

For example where disclosure would breach the Act of confidentiality, infringe personal privacy, harm the Department of Labour & Pensions or another organization's commercial interests, or endanger the protection of the environment.

Whenever information is withheld, we will inform you of this and explain why that information cannot be released. Even where information is withheld, it may be possible to provide a redacted copy, with the exempt matter edited out.

If you wish to complain about any information which has been withheld, please refer to *Section 6: Complaints*.

¹ A copy of the record, with the exempt matter deleted in accordance with the National Archive's *Redaction Standard*.



3. Methods of access

Information available under our publication scheme will usually be accessible through the methods described below.

Section 7: Categories of information provides more details on the information available under the scheme, along with additional guidance on how the information within each category may be accessed.

Online

Many of our documents are published electronically on this website and can be downloaded in PDF format. Where information is available online, a link within *Section 7: Categories of information* will direct you to the relevant page or document.

If there is no link, or the link is broken, you can use our website's "Search" facility at www.dlp.gov.ky. If you are still having trouble locating information listed under our scheme, please contact the Information Manager Leticia Goring or alternatively, Information Manager Designate Dorcas Komong at 945-8960 or email foi.dlp@gov.ky.

Email

If information is listed in our publication scheme but is not published on the website, we may be able to send it to you by email. You can email us at foi.dlp@gov.ky to request information. Please provide a telephone number so that we can call you to clarify details if necessary.

Phone

Documents listed in the publication scheme can also be requested by telephone. Please call Information Manager Leticia Goring, or alternatively Information Manager Designate Dorcas Komong at 945-8960 to request information.

Post

All information listed in the publication scheme will usually be available in hard copy. Requests may be addressed to:

Department of Labour & Pensions
P O Box 2182
Grand Cayman KY1-1105
Cayman Islands

In your request, please provide your name and address, full details of the information or documents you would like to receive. You may also wish to provide a telephone number so that we can call you to clarify details if necessary. For faster processing, please also include any applicable fee. (See *Section 4: Fees and charges* for further details.)



Personal visits

In limited cases, you may be required to make an appointment to view information listed in the publication scheme. This will be clearly stated in *Section 7: Categories of information*, and relevant contact details will be provided in that section.

Advice and assistance

If you experience any difficulty identifying the information you want to access, please contact Information Manager Leticia Goring or alternatively, Information Manager Designate Dorcas Komong at 945-8960 or email foi.dlp@gov.ky.

The Department of Labour & Pensions will adhere to its obligations under Section 10 of the FOI Act, and any requirements relating to disability or discrimination, when providing information in accordance with this publication scheme.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the Department of Labour & Pensions is legally required to translate any information, it will do so.

4. Fees and charges

The purpose of this scheme is to make the maximum amount of information readily available at minimum effort and cost to the public. The Department of Labour & Pensions strives to ensure that fees and charges are clearly explained and kept to a minimum.

Information which is published online, downloaded through a website, or sent to you by email will be provided free of charge.

Fees may be charged for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage, as described below.

Reproduction costs

Where fees apply, photocopied information will be charged at a standard rate of \$1.00 per page (black and white; any size) and \$1.50 per page (color; any size).

Computer discs will be charged at a rate of \$2 per disc.

Postage costs

The Department of Labour & Pensions will pass on to the requester the actual costs of postage or courier delivery.

Details of any individual charges which differ from the above policy are provided within *Section 7: Categories of information*.

If a fee applies, you will be advised of the amount and how it has been calculated. Information will be provided when the Department of Labour & Pensions has received your payment.



5. Requests for information outside the publication scheme

Information held by the Department of Labour & Pensions that is not published under this scheme can be requested in writing. Additional information on making a request can be found on our website, www.dlp.gov.ky, under the FOI section. Your request will be considered in accordance with the provisions of the FOI Act by contacting Information Manager Leticia Goring or alternatively, Information Manager Designate Dorcas Komong at 945-8960 or foi.dlp@gov.ky.

6. Complaints

The Department of Labour & Pensions aims to make our publication scheme easy to use, and to ensure our information is accessible to the public.

If you wish to complain about any aspect of this publication scheme, please contact Information Manager Leticia Goring or alternatively, Information Manager Designate Dorcas Komong at 945-8960 or foi.dlp@gov.ky and we will try to resolve your complaint as quickly as possible.

Further information about our complaints procedures can be obtained from our website, www.dlp.gov.ky, under the FOI section.

You have legal rights to access information under this scheme, and a right to complain to the Office of the Ombudsman if you are dissatisfied with our response.

Physical Address:

5th Floor, Anderson Square
64 Shedden Road
George Town
Grand Cayman, Cayman Islands

Mailing Address:

PO Box 2252
Grand Cayman KY1 1107
CAYMAN ISLANDS

Telephone:

345-946-6283

Email: info@ombudsman.ky



7. Categories of information

- About Us
- Strategic Management
- Finance & Administration
- Policies & Procedures
- Decisions & Recommendations
- Lists & Registers
- Our Services

ABOUT US

Name of public authority and Background Information

The Department of Labour & Pensions (“DLP”) is a Department established to oversee the employer compliance aspects of the work previously undertaken by the Department of Employment Relations as well as employer and pension plan compliance previously undertaken by the National Pensions Office. DLP is intended to provide a more effective one-stop shop for all labour services and enable a system of proactive workplace inspections to be instituted. This will promote compliance with both Labour and Pensions legislation while at the same time causing good employers minimum inconvenience.

The DLP has a Director of Labour & Pensions who is assisted by a Deputy Director (Labour) and a Deputy Director (Pensions). The Deputy Director (Labour) oversees the Labour Investigations Unit and the Deputy Director (Pensions) oversees the Pensions Investigations Unit. Both Deputies are responsible for recommending prosecutions for non-compliance with the Act and for assisting the Director of Public Prosecutions with prosecutions in criminal court.

The DLP’s Inspections Unit, which is headed by the Head of Inspections, deals mainly with proactive workplace inspections that are seeking compliance with any and all labour-related legislation. In the first instance, this will mean the various components of the Labour Act and the employer compliance aspects of the National Pensions Act. Where an infringement has been established and the employer refuses to remedy the infringement, or where an offence has been committed under the Labour Act or under the National Pensions Act, the Head of Inspections will refer the infringement or offence to the relevant Deputy. These would include infringements such as non-payment of overtime or gratuities or non-payment of contributions to a pension plan.

This Unit will contribute to the training of private sector employers on all areas of the Labour Act and the National Pensions Law in an effort to continually improve employers’ understanding of the Act as well as their compliance.

The administration of Labour and Pensions by the Department is to be governed by the Labour Act (2011 Revision), the National Pensions Act (2012 Revision), the National Pensions (Amendment) Act, 2016 and the National Pensions (Amendment), Law, 2020. **The National Pensions (Amendment) Act 2016 was passed in the Parliament in May 2016 and beginning on 31st December 2016 is being implemented in a phased approach.**



**DEPARTMENT OF
LABOUR & PENSIONS**
CAYMAN ISLANDS GOVERNMENT

2nd Floor, Midtown Plaza
273 Elgin Avenue
P.O. Box 2182 Grand Cayman KY1-1105
Cayman Islands
Tel: 345- 945-8960 Fax: 345- 945-8961
Website: www.dlp.gov.ky

Ministry

The Department of Labour & Pensions operates under the Ministry of Employment & Border Control.

Acting Chief Officer

Mr. Michael Ebanks
Ministry of Employment & Border Control
Cayman Islands Government Administration Building,
George Town, Grand Cayman
Cayman Islands

Name and Title of Department Head

Director: Mr. Bennard Ebanks

Physical Address: 2nd Floor Midtown Plaza, Elgin Avenue, George Town, Grand Cayman

Mailing Address: P.O. Box 2182, Grand Cayman KY1-1105, Cayman Islands

Telephone: (345) 945-8960

Fax: (345) 945-8961

Confidential Hotline: (345) 945-3073

Email: dlp@gov.ky

Website: www.dlp.gov.ky

Hours: 9am to 4pm (Monday to Friday)

Information Manager

Information Manager: Leticia Goring

Information Manager Designate: Dorcas Komong

FOI Email Address: foi.dlp@gov.ky

FOI Website: www.foi.gov.ky



Organisation and functions

Vision

To be a valued and trusted partner in supporting excellence in employee-employer relations and compliance with labour and pensions legislation for the private sector in the Cayman Islands.

Mission

To provide through education, engagement and the enforcement of labour and pension legislation, a one-stop shop for private sector labour and pensions services and support, delivered by competent and caring staff, operating in a prompt, fair and impartial manner and with the highest integrity.

Values:

The Department of Labour & Pensions (DLP) is committed to being a Department which is:

- Professional, pro-active and ethical
- Fair, consistent and impartial in our decision-making
- Research and fact-driven
- Resourced with well-trained, dedicated, honest, and attentive staff
- Client-focused, communicates well and delivers timely and thorough services.

Statutory Duty

The Pensions Investigations Unit, formerly the National Pensions Office and the Office of the Superintendent of Pensions, was established by Section 79 of the National Pensions (Amendment) Act 2016 which repealed the National Pensions Office and the post of Superintendent of Pensions and, respectively, replaced it with the Department of Labour & Pensions and the post of Director.

Section 79 of the National Pensions (Amendment) Act, 2016 also established the responsibility of the Director and states:

The Director is the Chief Administrative Officer of the [National Pensions] Board and shall exercise the powers and perform the duties that are vested in or imposed upon the Director by this Act and the regulations.

The National Pensions Board is established under Section 78 of the National Pensions Act (2012 Revision) (Based on the amendments to the NPA_(2012 Revision) from the National Pensions (Amendment) Act, 2016, the Board has the following duties under Section 80 of the NPL.



- (a) hear, consider and determine decisions appealed in accordance with Part XIII of the Act;
- (b) promote the establishment, extension and improvement of pension plans throughout the Islands;
- (c) advise the Minister in respect of the business of the Board; and
- (d) make recommendations to the Minister in respect of pension plans.

National Pensions Board

Members	Meetings	Minutes
The reappointment of the Board is presently being considered by the Ministry.	Meetings are usually held quarterly and are not open to the public.	Minutes can be obtained by requesting a copy in writing from the Information Manager

Frequently Asked Questions

National Pensions Act (2012 Revision) (“NPL”) & the National Pensions (Amendment) Act, 2016

As an employer, do I have to provide a pension plan for my employees?

Yes, participation in a pension plan is mandatory. Employers must provide a pension plan for those eligible employees and can be subject to a fine if they do not. Additional information is available on our website, www.dlp.gov.ky

Who must participate?

An eligible employee is any employee or self-employed person between 18 and 65 years of age who is:

- Caymanian,
- A Permanent Resident, or
- A Non-Caymanian with 9 months of continuous employment on Islands.

The only exceptions to providing pension coverage apply to:

- Non-Caymanians who have not completed 9 months of continuous employment on the Islands (not necessarily with the same employer), or
- Those employed as a household domestic which is defined as those “...employed in a private home as a maid or gardener”.
- Caymanians, under age 23 years of age and enrolled in full time education.

Those working at more than one job must participate on all their jobs.



Where can I find a pension plan for my employees?

Employers may register their own plan with the DLP or participate in one of the registered Multiemployer Pension Plans.

As an employer, how much must I contribute?

At the minimum, an employer must contribute 5% of an employee's earnings, up to the annual maximum pensionable earnings of \$87,000. Self-employed persons must contribute a minimum of 10% of their pensionable earnings to a registered pension plan.

Does the employee have to contribute?

In consultation with the employees, the employer selects the pension plan to be utilized. The employee may contribute a maximum of 5% of their earnings up to the annual maximum pensionable earnings of \$87,000.

Together, the employer and employee contributions must total at least 10% of pensionable earnings. Pensionable earnings are defined to include wages, salary, leave pay, commissions, bonus (with exceptions) and gratuities. It is the employer's responsibility to deduct and submit the pension contributions to the selected pension plan.

When are the contributions due and payable?

Both the employer and employee contributions must be paid by the 15th of the month immediately following the month to which the contributions pertain. For example, any contributions deducted or collected in April must be paid by May 15.

Late payments are subject to interest which is calculated at the current Prime Rate plus 5% (enshrined in the law). This interest calculation begins the day after the contributions are due, in our example that would be May 16.

In addition, if the Director has directed an employer to pay arrears within two weeks and if they fail to comply, the employer may be liable to a fine of \$500 for each day that the contributions are in arrears.

What is the retirement age?

The National Pensions (Amendment) Act, 2016 replaced the term, "normal retirement age", with the new term, "normal age of pension entitlement" as the Government recognized that employers were incorrectly treating the normal retirement age (60) in the NPL as the time when employees must stop working, which is not the intent. The age is simply the time when a member may access their pension benefits under the NPL. The normal age of pension entitlement is now 65 years of age, as per the National Pensions (Amendment) Act, 2016.

What if I change employers and they have a different pension plan?

In this circumstance, you have the option of leaving the pension contributions in the original plan or subject to approval; you may have the money transferred into the new plan. Either way you will be required to join and begin contributing to the new plan.



When is an employee entitled to a refund?

A member of a pension fund can be entitled to a refund if the following conditions are satisfied:

- A member's employment is terminated.
- That member ceases to reside in the Islands.
- No contributions have been made to a pension plan by or on behalf of the member for a period of two years or more.

With effect from 31st December, 2019, members are no longer able to obtain a pension refund except under very limited circumstances, as per the National Pensions (Amendment) Act, 2016

What will the refund include?

Under a defined contribution plan, a lump sum payment of an amount equal to not less than the amount of contributions made on or behalf of a member and the investment earnings on the contributions made under the pension plan. In the case of a defined benefit plan, the amount is a commuted value based calculation.

Who offers a Pension Plan?

Employers may register their own plan with the DLP or participate in one of the following certified Multi-Employer Pensions Plans:

- [BAF Pension Plan](#) - (345) 949-5089 (Email: cayman@mybafolutions.com)
- [British Caymanian](#) - (345) 949-8699 (Email: pensions_ky@cgcoralisle.com)
- [Cayman National Trust](#) - (345) 640-5415/640-5423 (Email: pensions@cnifs.com)
- [Chamber of Commerce](#) - (345) 745-7630 (Email: admin@pensions.ky)
- [Fidelity](#) - (345) 949-7822 (Email: info@royalfidelity.com)
- [Island Heritage](#) - (345) 814-7309 (Email: retirement@islandheritage.com.ky)
- [Silver Thatch](#) - (345) 943-7770 (Email: support@silverthatch.org.ky)

The National Pensions (Amendment) Law, 2020 was passed in Parliament on the -23rd April 2020. This Amendment introduced a pension holiday from 1st April 2020 until the 30th September 2020. Since that time, Cabinet has extended the pension holiday until the 30th June 2021.

In addition to the pension holiday, Government also introduced an Emergency Withdrawal provision which permitted persons on Island or those that departed on or after the 1st February 2020 to withdraw their pension contributions. The Amendment contained a formula that governed the withdrawal amounts. This provision was in effect from the 1st May to the 31st October 2020.

At the time of writing this publication scheme, the pension holiday aspect of the Amendment remains in effect. Accordingly, the additional FAQs remain applicable:



PENSION SUSPENSION OF CONTRIBUTIONS

1. What is the timeframe for the suspension of pension contributions (aka “pension holiday”)?

The suspension of pension contributions/Pensions Holiday took effect, retroactively, from 1st April, 2020 and was extended by Cabinet until the 30th June 2021.

2. What do you need to do in order to participate in the suspension of pension contributions?

The pension holiday is automatic for all private sector employers and employees, including self-employed persons. As a result, there is not an application process. Employers and employees may, however, agree to continue making contributions and those amounts would be considered voluntary.

3. Are public servants allowed to participate in the pension holiday?

The pension holiday does not apply to a statutory authority or a government company as well as their employees. Accordingly, their pension contributions remain due under the National Pensions Law, as mandatory contributions regardless of the pension holiday.

4. What is the last contribution period that needs to be paid, given the pensions holiday?

Contributions for the month of March, which were required to be paid by the 15 April, would be the last timeframe that is required to be paid until the expiry of the pension holiday.

5. How will the pension holiday impact any delinquent contributions?

Employers with delinquent pension contributions at the start of the pension holiday will remain liable for the delinquent amount and the accruing interest. The employer remains responsible and payments are due to resume, once the pension holiday has expired. Employers are encouraged to use this time to bring any delinquent payments up to date.



6. During the pension holiday, are members required to pay the additional 1% in relation to their prior housing withdrawal?

Members are not required to pay the additional 1% contribution during the pensions holiday period. As this is the case, the timeframe to repay the housing withdrawal amount will be extended by the length of the pension holiday.

The Labour Unit of the Department of Labour & Pensions and formerly a division of the Department of Employment Relations, was established by Section 71 of the Labour Act (2011 Revision), comprising the Director of Labour, the Deputy Director and such Labour Inspectors and other staff as may be necessary for the due administration and enforcement of this Law.

Section 72 of the Labour Act establishes the responsibility of the Director and states:

Whether or not a complaint has been filed, the Director shall be charged with securing the proper observance of this Law.

Section 73 (1) of the Labour Act establishes the powers of the Director, Deputy Director and Inspectors and states:

The Director, Deputy Director and any Labour Inspector shall, for the performance of their functions under this Act have power to-

- (a) Enter any workplace without previous notice at any time during the working hours of that particular workplace;
- (b) Carry out any examination, test or inquiry which he may consider necessary to satisfy himself that this Act is being observed;
- (c) Question, alone or in the presence of witnesses, any employer or employee on any matters concerning the application of the Act and
- (d) Require the production of any records or documents required to be maintained by this Act and to copy or make abstracts of any such records or documents.



Labour Act (2011 Revision)

When should an employee expect to receive a written statement of working conditions once he/she has commenced employment?

Within 10 working days (Please refer to s6 of the Labour Act for conditions and offence)

What has the Act defined as the initial probation?

A term not more than 6 months initially, which can be extended to a further 6 months provided that such agreement is in writing and signed by both the employee and employer unless otherwise stated in a contract (i.e. 3 months)

When does an employee begin accruing benefits?

At the commencement of employment; however, not payable until after the probation period has been satisfied and the employee's employment is confirmed.

What is the notice period required for termination of employment?

The Act requires that both parties give written notification of termination of employment of at least 24 hours if on probation.

With respect to all other employees, the employer is required to give written notice at least equal to the interval of time between the employee's pay days. The employee is required to give the period of notice required by his contract of employment. However, in the absence of a contract the employee is required to give notice in the intervals of time between his pay days or thirty days, whichever is less. (**Sections 10 & 11**)

What is the vacation entitlement as defined by the Labour Act?

Not exceeding 4 completed years - 2 weeks
Exceeding 4 but not exceeding -10 completed years - 3 weeks
Exceeding 10 completed years - 4 weeks (**Section 14**)

Are Part-time (PT) employees entitled to leave benefits?

Yes, PT employees earn leave benefits (i.e. vacation), at the ratio that their actual hours of employment bear to the standard work week.

What is the maternity entitlement as defined by the Labour Act once an employee has completed 12 months of employment?

Every female employee is entitled to twelve calendar weeks' in any twelve month period.
First 20 days - Employee's basic wage
Next 20 days - At half the employee's basic wage (**Section 19**)

Does the Labour Act address Paternity leave?

No, it does not.



If an employee works on a public holiday what payment is he entitled to?

Double his normal rate of pay for the hours actually worked and where he works less than the full day he shall, in addition, be entitled to be paid his normal rate for the remaining hours. (*Section 17*)

How is an employee compensated for public holidays (PH) not worked by the employee?

The employee is to receive the normal wage he would have received had it not been a public holiday and given the employee has worked his **scheduled** day immediately before the PH and his scheduled day immediately after the PH. (*Section 16*)

What is the sick leave entitlement as defined by the Labour Act?

For the first ten days of **sick leave** taken during any period of twelve consecutive months, calculated from the date of commencement of employment and any anniversary date thereof, an employee shall be paid the basic wage which he would have received had he worked on those days. (*Section 17*)

When is an employee required to produce a Doctor's certificate?

In respect of the third and any subsequent consecutive days of such leave. (*Section 17*)

In the event the employee resigns, is sick leave payable if not utilized during the current employment year?

No, it is not. Sick leave is available to the employee in the event he is ill or otherwise physically incapacitated for work.

What is the rest period permitted to each employee as per the Act?

24 consecutive hours in every 7 day period. (*Section 23*)

In addition to the above, every employer who is classified as construction, manufacturing, heavy equipment operators, hospitality, and gardening or landscaping is to permit each hourly paid employee the following breaks:

- (a) 3-5 hours—a minimum of 15 minute break
- (b) 5 and above—a minimum of (2) 15 minute breaks
- (c) 5 and above and in addition to (a) & (b) a meal break of (30) minutes (**Section 23(2)**)

Are employees to whom the foregoing applies entitled to be paid for the 30 minute meal break?

Employees who are entitled as per the foregoing would be entitled to receive payment for the 15 minute breaks, however, not for the meal break. (**Section 23(2)**)

What is the maximum standard work day and work week as defined by the Labour Act?

9hrs a day and 45hrs a week (*Section 24*)



When is overtime payable and at what rate?

An employer shall pay overtime pay to an employee for every hour of work in excess of the standard work week or a standard work day. Overtime pay shall, unless the employer and the employee agree in writing to the contrary, consist of at least one-and-one half times an employee's basic hourly wage per hour. (*Section 25 and 27*)

When are wages payable?

Wages shall be paid on a regular periodic basis on ordinary working days with not more than one month between pay days. (*Section 30*)

Are employees entitled to a statement of wage?

An employer shall, in respect of any given wage or gratuity payment, within one week of the making of the payment, furnish that employee forthwith with a precise statement in writing showing how the said payment was made up. (*Section 33*)

What should the pay statement include?

The statement should show precisely how the payment is made up (i.e. hours worked, any deductions from salary for health/pension etc.).

How long does an employee have to file a complaint of “Unfair Dismissal”?

Within 90 days of the dismissal date. (*Section 54*)

When is an employee entitled to severance pay?

Upon termination for any reason other than a dismissal pursuant to S51 (1) (a-c), providing the employee has exceeded one year of continuous employment.

How is severance pay calculated?

Severance pay shall consist of one week's wages, at the employee's latest basic wage, for each completed twelve month period of his employment with his employer and any predecessor-employer. (*Section 41*)

Is it acceptable for an employer to charge employees for drinking water and withhold seating from an employee?

No, it is not. The employer is to ensure that there is adequate drinking water available to all employees and to also provide and maintain seating facilities, reasonable under the circumstances for employees to sit during the course of their employment. (*Section 61*)

Is my employer obligated to provide and maintain a First Aid Kit at work?

Yes, the Act obligates the employer to do so and to ensure that it is maintained. (*Section 61*)



Are employees entitled to compassionate leave under the Labour Act and if so, what is the entitlement and what are the conditions that apply?

Every employee to whom Part II (Leave) of the Labour Act applies shall, in addition to any entitlement to earned vacation leave, be entitled (during each twelve month period of employment) to a maximum of five days compassionate leave on the occurrence of a death or serious illness in the employee's immediate family provided reasonable evidence of such serious illness or death is provided to the employer; and for the purposes of this entitlement the employee's immediate family means the spouse, parents and children of the employee. **(Section 14)**

STRATEGIC MANAGEMENT

Administering the authority's operations at the organizational level; developing business plans and corporate policy; setting long-term goals and objectives; evaluating the agency's overall performance and progress towards established targets; managing programs to improve business processes and ensure consistent service delivery; preparing or revising laws and other regulatory instruments that affect the authority's functions and responsibilities; obtaining legal advice from external sources.

Governance

High-level documents that inform and direct the functions and activities of the authority.

- National Pensions Act (2012 Revision) ²
- National Pensions (Amendment) Act, 2016² (came into effect in 31 Dec 2016 with phased implementation)
- National Pensions (Amendment) Act, 2020²
- National Pensions (Actuarial and Fund Management) Regulations (1998 Revision) ²
- National Pensions (Pension Fund Investments) Regulations (1998 Revision) ²
- National Pensions (General) Regulations (2018 Revision) ²
- Confidential Relationships (Preservation) Act (2015 Revision)
- Labour Act (2011 Revision)
- The Labour (Occupational Safety and Health) (Construction Industry) Regulations, 2008

Corporate management

High-level documents that plan and evaluate the work of the Department.

- National Hurricane Plan – National Pensions Office Hazard Management Plan (2017) ¹
- National Hurricane Plan – National Pensions Office Continuity of Operations (2017) ¹
- National Pensions Board Annual Report (January 2004 – June 2005) ²
- National Pensions Board Annual Report (July 2005 – June 2006) ²



- National Pensions Board Annual Report (July 2006 – June 2007) ²
- National Pensions Board Annual Report (July 2007 – June 2008) ²
- National Pensions Board Annual Report (July 2008 – June 2009) ²
- National Pensions Board Annual Report (July 2009 – June 2010) ²
- National Pensions Board Annual Report (July 2012 – June 2013) ²
- National Pensions Board Annual Report (July 2013– June 2014) ²
- National Pensions Board Annual Report (July 2014- June 2015)²
- National Pensions Board Annual Report (July 2015- June 2016)²
- Mercer Final Report (March 2007) ²
- Cayman Islands Government Annual Reports ³
- Cayman Islands Government Annual Reports ³

- ¹ - Information located at the Department of Labour & Pensions
- ² - Information can be found on the Department of Labour & Pensions website: www.dlp.gov.ky
- ³ - Information can be found on the Government website: www.gov.ky
- ⁴ - Information which is not currently available to the public

FINANCE & ADMINISTRATION

Financial Management

Administering the authority's internal functions and managing its resources efficiently and effectively. Includes the management of monetary resources; material resources; human resources; information resources; and relationships with clients, the public and other government agencies. Principle accounting policies and procedures are exercised in accordance with the Public Management and Finance Act and the Financial Regulations.

- Public Management and Finance Act (2013 Revision)
- Public Management and Finance Act, Financial Regulations (2010 Revision)
- Cayman Islands Government Annual Budgets ³

Administration

Documents relating to other administrative functions carried out within the authority – including buildings, equipment & vehicles; communications; human resources; information & technology management.



Human Resources:

- Ministry of Human Resources & Immigration Human Resources Manual (2006) ¹
- Public Service Management Act (2013 Revision)
- Public Service Management Act, Personnel Regulations (2013 Revision)
- Public Servant Code of Conduct
- Scale Salary effective July 2015 ³

Record Management:

- National Archive and Public Records Act (2015)
- National Archive and Public Records Regulations (2007)
- Freedom of Information Act (2018 Revision) - www.foi.gov.ky

Office Equipment:

- Fixed Asset Register ¹

Communication:

- Press Releases ²

POLICIES & PROCEDURES

Current written protocols used by the authority for carrying out functions, activities and delivering services

- National Pensions Act (2012 Revision) ²
- National Pensions (Amendment) Act, 2016² (came into effect on 31 Dec 2016 with phased implementation)
- National Pensions (Amendment) Act, 2020²
- National Pensions (Actuarial and Fund Management) Regulations (1998 Revision) ²
- National Pensions (Pension Fund Investments) Regulations (1998 Revision) ²
- National Pensions (General Regulations (2018 Revision) ²
- Labour Act (2011 Revision)



- Confidential Relationships (Preservation) Act (2015 Revision)
- Department of Labour & Pensions - Standard Operating Procedures ¹
- Ministry of Human Resources & Immigration – Human Resources Manual (2006) ¹
- National Archive and Public Records Act (2015)
- National Archive and Public Records Regulations (2007)
- Freedom of Information Act (2018 Revision) – www.foi.gov.ky
- Complaint Process ²
- Guidance Notes ¹

DECISIONS & RECOMMENDATIONS

Information about proposals, resolutions, assessments and results, including decision-making processes.

- National Pensions Board Annual Report (January 2004 – June 2005) ²
- National Pensions Board Annual Report (July 2005 – June 2006) ²
- National Pensions Board Annual Report (July 2006 – June 2007) ²
- National Pensions Board Annual Report (July 2007 – June 2008) ²
- National Pensions Board Annual Report (July 2008 – June 2009) ²
- National Pensions Board Annual Report (July 2009 – June 2010) ²
- National Pensions Board Annual Report (July 2012 – June 2013) ²
- National Pensions Board Annual Report (July 2013 – June 2014) ²
- National Pensions Board Annual Report (July 2014- June 2015) ²
- National Pensions Board Annual Report (July 2015- June 2016) ²
- Mercer Final Report (March 2007) ²
- National Pensions Board Meetings – Approved Minutes (available by FOI Request)

¹ - Information located at the Department of Labour & Pensions

² - Information can be found on the Department of Labour and Pensions website: www.dlp.gov.ky

³ - Information can be found on the Government website: www.gov.ky

⁴ - Information which is not currently available to the public.

LISTS & REGISTERS

- List of registered pension plans – available by making a FOI request ¹
- Asset register – available by making a FOI Request ¹
- FOI Disclosure Log ⁴



OUR SERVICES

As the regulatory body of private pension plans in the Cayman Islands, the Department of Labour & Pensions, proactively meet service delivery standards and address evolving needs while balancing the interests of employees, other beneficiaries, legislators, employers, and administrators. We strive to ensure the effective and efficient administration, implementation and evolution of the Labour Act and National Pensions Act and Regulations.

General Forms: ²

- Guidance Notes - The National Pensions Act
- Brochures
 - Know the National Pensions (Amendment) Act, 2016²
 - Employee & Employer General Information
 - Labour Frequently Asked Questions
 - Minimum Wage Brochure

- Internal Complaint Form
- Registration of Pension Plan
- Renewal of Registration of a Pension Plan
- Individual Transfer Request - Defined Contribution Plan
- Individual Transfer Request to a Retirement Savings Arrangement (RSA) – Defined Contribution
- Employer Questionnaire
- Non-Compliance Forms
- Preliminary Enquiry Form
- Conciliation and Mediation Confidential Complaints Form
- Application for Registration of a Charitable Organization
- Business Registration Form
- Plan for distribution of Gratuity Registration Form

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² - Information can be found on the Department of Labour and Pensions website: www.dlp.gov.ky

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Classes of Information Held

A Class of Information is a way of collecting together similar types of information. The Department of Labour & Pensions has grouped its Classes of Information into broad categories, by functions which reflect its major areas of responsibility. If you are intending to make a request, the following Classes of Information will help you explain more precisely which records you are seeking, or where the information may be found:

Functions

- **Registration of Pension Plans**
Registration and Annual Renewal of Registration of all private sector pensions plans under the National Pensions Act. – access restricted by the National Pensions Act
- **Administration of the National Pensions Board**
- **Provision of administrative services to the National Pensions Board**
- **Compliance and Enforcement**
Activities relating to the compliance and enforcement of the Labour Act and National Pensions Act– accessible by FOI Request
- **Administration of the Labour Act and National Pensions Act**
Activities relating to the general administration of the National Pensions Act and Labour Act
- **Human Resources Management**
Administering the public authority’s human resources in accordance with the Public Service Management Act and internal Ministry and Government guidance.
- **Financial Management**
Management of all departmental monetary resources allocated through Cabinet and other sources