



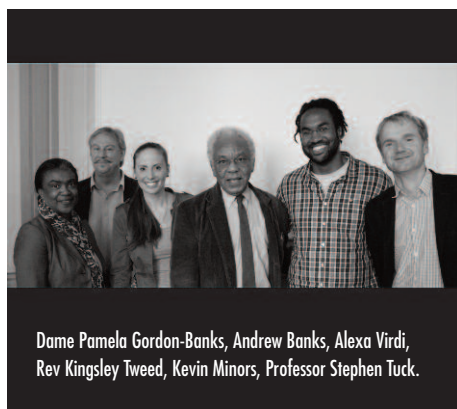
# The King of Bermuda

by Alexa Viridi

Reverend Kingsley Tweed eloquently held court at Pembroke College on 8 May as guest speaker at an Oxford University seminar focusing on the Bermuda Civil Rights movement. Most octogenarian monarchs would, one supposes, be more inclined to opt for a gentler pace of life. Not this lifelong social activist, who continues his devotion to fighting injustice in Bermuda and beyond with unrelenting vigour as well as charm.

Rev. Tweed welcomed his courtiers with an impromptu performance on the piano. This was followed by a screening of the documentary 'When Voices Rise'. The film, made by Guyanese filmmaker Errol Williams, powerfully documents actions taken by the brave black Bermudian men and women during the 1959 Theatre Boycott which ultimately led to the desegregation of Bermuda. Rev. Tweed's fearless leadership of the desegregation movement precipitated his victimisation by the ruling political and economic powers, and de facto exile from Bermuda.

The history of Bermuda as an Overseas Territory of the United Kingdom is rooted in an oppressive system of slavery and segregation. Legacies of these structural inequalities remain evident today in Bermuda, as



Dame Pamela Gordon-Banks, Andrew Banks, Alexa Viridi, Rev Kingsley Tweed, Kevin Minors, Professor Stephen Tuck.

well as for example in Ferguson and Baltimore. It is undeniable that in countries such as Bermuda and the United States 'white privilege' is a reality. One could summarise the phenomenon of white privilege, albeit crudely, as the fact that 'white people benefit most from the legacy of racial oppression.'

The ongoing legacy of this freedom fighter is something that every generation could learn a great deal from. Indeed, the audience, made up of students, academics and Bermudians, including the former Premier of Bermuda Dame Pamela Gordon-Banks, were deeply inspired by the apposite nature of his message for the injustices facing our world today.

After the film screening, Rev. Tweed was invited to the stage to field questions from Professor Stephen Tuck and the audience. His voice rose above the applause that resounded after each

impassioned call for justice for people across the world. The combination of sharp intellect, comic genius and oratorical skills of this ordained African Methodist Episcopal Minister were a welcome change from the sometimes monotone lectures delivered in the hallowed halls of Oxford.

This civil rights event is similar to other events held by other organisations such as the Oxford University Student Union Campaign for Racial Awareness and Equality. Indeed, former Premier Dame Pamela Gordon-Banks praised University of Oxford for providing a platform to discuss these important issues, noting that "Bermuda is finally coming to terms with acknowledging a shameful racist past that has negatively impacted so many people's lives, for so many years. We, the Bermudian people must honestly and constructively address the systemic associated ills with meaningful corrective action. We must also recognise that our country's future well-being depends on a resolution that is fair to all concerned."

These sentiments were echoed by Brian Kwoba, a DPhil student at University of Oxford and organiser of the Oxford Pan-Afrikan Forum, "I had the pleasure to learn from a veteran of the struggle who has paid a heavy price

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# "Bermuda at the Crossroads"

By Craig Looby

The bottom line in any economy is the cost of energy. When electricity goes up so does the cost of all goods and services. Jobs are lost and if nothing is done about it the economy could implode into recession or worse.

Recently there has been a lot of talk in articles from Bermuda about the current and coming problems regarding how the local utility is planning for the future. Their plan for improvement includes raising electricity costs to pay for the transformation to LNG in hopes that the cost of another fossil fuel will stay low. The current view held by many is that this new direction for Belco is poorly planned out and risky. So will the people of Bermuda have to settle for another soon-to-be antiquated technology? Not so, says Craig Looby of Urban Maximum Industries (UMI). For the last two years UMI and Hydrogen411 Technology have been researching and developing a plan to reach energy independence for Bermuda by 2025. To make the argument easy to understand John Ballor of Hydrogen411 Technology poses a simple question. If you were surrounded with an endless amount of clean fuel would you choose to ignore it and import costly dirty fossil fuel? With Belco's proposed plan rates may go down some after the tax payers pay for their transition but they will always have to buy fuel so how much savings can residents expect??

Our plan according to UMI and Hydrogen411 Technology is to harvest the energy of Wind, Solar and Hydrogen from sea water. Wind and solar for base power and hydrogen used as an energy carrier to balance the grid then hydrogen to drive Fuel Cell Vehicles, Boats, Back-up Power and more, and we won't need to import fuel. The numbers don't lie says UMI. Under our plan to bring 200MW of renewable energy to Bermuda, not only would residents see an immediate drop in rates but at the end of the day when the initial investment is paid off the cost of making fuel (h2) is reduced to maintenance and operating costs bringing the cost of fuel to a fraction of what it is now.

Our interest is to work with Belco in various ways. We welcome Belco shareholders to contact us and work with us. Let potential investors know we would be interested in speaking with them. Let the public know this build is not going to use tax payer funds and let them know the deployment can spur wage increases in tourism and drive increased tourist air arrivals by making hotels more competitive.

UMI will be providing a series of media releases to explain the deployment in more detail to illustrate the benefits to the entire island!

## THE WORKERS VOICE

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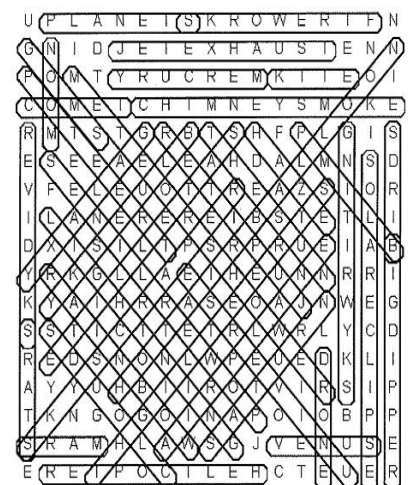
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## PUZZLE • SOLUTION

### LOOK UP!

This is the solution to the puzzle located here.



AIRPLANE	GALAXY	METEOR SHOWER	SMOG
BIG DIPPER	HAZE	MOON	SOLAR ECLIPSE
BIRDS	HELICOPTER	PLANETS	STARS
BLIMP	HOT AIR BALLOON	POWER LINES	STREET LIGHT
BLUE SKY	JET EXHAUST	RAINBOW	THE SUN
CHIMNEY SMOKE	JUPITER	SATELLITE	TREETOP
CLOUDS	KITE	SATURN	UNIVERSE
COMET	LIGHTNING	SKYDIVER	VENUS
DRONE	MARS	SKYSCRAPER	
FIREWORKS	MERCURY	SKYWRITER	

# It's Time To Pull the Plug on Fahy's Light!!

In my opinion, the commenter on Facebook who asked the question: "So when and what time is the plug going to be pulled on this light?" in reference to the Minister of Home Affairs, Senator Michael Fahy was spot on.

As I see it, Senator the Honour Michael Fahy, Minister of Home Affairs has once again displayed tendencies of being more suitable for a position in a "far right extremist government" rather than as a Minister of the Government of Bermuda. As I see it, his remarks in response to the Ombudsman's 2014 Report are just another example of how the Minister wields absolute authority. One only has to count the number of "I's" in his most recent statement to see where I'm coming from. In fact, I am so convinced that Minister Fahy is more suitable to a "far right extremist government" than the Government of Bermuda that I had to check with a lawyer before writing my column because at this age and stage in my life, I am not ready to face a firing squad yet. I have no doubt that Minister Fahy would use his authority to silence me.

The Minister writes in his statement "in short, the grievance began when the Professional alleged she was never contacted by an Employer after she submitted her application for a job with them..." However, the Ombudsman reported (1) "before making an

employment application for an advertised post, she (the applicant) notified the Ministry that she was would be applying. She was motivated to notify the Ministry by her belief that the employer ("The Employer") had inflated the experience requirement for the post without justification. A day after making her submission, both the Department and the Ministry were provided with a copy of her application and a letter articulating her concerns. (2) "She was never contacted by the employer after she submitted her application." It is most unfortunate and indeed, in my opinion, disingenuous of the Minister not to include that fact in his statement.

There are many other statements that the Minister made that should disturb all right-thinking Bermudians, including the fact that he did not think the applicant had the requisite qualifications and experience for the position; that he went against the recommendations of the compliance officers and that he agreed with "his Chief Immigration Officer".

Both the Minister and the Ombudsman are trained and qualified lawyers. Prior to taking up the position as Ombudsman, Ms. Pearman was a well-respected member of the legal community. Certainly I do believe that she is more experienced as a



lawyer than the Minister. It is obvious from her report that the Ombudsman believed that the applicant did have the "requisite qualifications and experience for the position" yet, the Minister disagreed with the Ombudsman on this matter.

Not only did he disagree with the Ombudsman, he also disagreed with the Compliance Officers who recommended that the "granted Work Permit be revoked". Yet the Minister, in his usual arrogance, unashamedly stated that he is entitled to disagree with the Compliance

Officers and that he stands behind his decision 100%. As I see it this makes a mockery of a system that is supposed to protect Bermudian workers. Maybe it's time for compliance officers to be relieved of their positions.

It is also most unfortunate and disturbing that Minister Fahy could

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# Keep Post Alive

By Larry Holder

By the time Bermudians will read this, Paget Parish will have achieved the distinguished privilege of being the first and only parish without a post office. It took only a month from announcement to closure. The predominant questions from residents and customers alike, is “why?” Why the rush? Comments ranged from questions to concern, frustration, even anger about the Post Master General’s (PMG) announcement to close yet another Post Office (P.O.). This brings the closures of service to seven (7) post offices: Somerset Bridge, Paget, Harrington Sound, St. David’s, Baileys Bay, Bermuda Mail Processing Centre (BMPC) and the Parcel Post Department from 8:00 a.m. to 12 noon daily. So which post office or department is next and for what logical reason?

An enormous amount of creditability has been given to the Sage Commission Report, so much so that the current Government’s budget and recovery hinges on it. The mandate given to Sage by the Government, as stated in the Interim Report is: “To assist the Commission in discharging its responsibilities under the Sage Commission Act 2013; to identify activities that are central to the core mission of Government; to evaluate and analyze the operations of Government and its corporate bodies and agencies in line with international best practice; and to make recommendations regarding the streamlining of such processes to improve service delivery, cost savings,



greater transparency and sustainability”.

For this particular exercise we need to focus on the Postal Sector. I stand to be corrected and with due respect to the Chairman of the Sage Commission, his colleagues and contributors, I give it a DNF (did not finish) based on the mandate and or its interpretation. I attended three Sage meetings and the Chair stated on several occasions that it was not in his remit to address revenue. No business, market or economy is sustained and goes on to be profitable, private or public, without addressing revenue as a part of the business plan or financial advisory. “DNF” in this case does not mean that could not finish. It appears as if they were told not to finish. The Bermuda Post Office (BPO) is one of only a handful of government departments that compete with the private sector. The suggestion by Sage to have three post offices (East, West and Central) along with cluster boxes and no last mile/ home delivery suggests a pessimist’s vision.

The National Association of Letter Carriers (NALC) commissioned Lazard to write a white paper for the US Postal Service. Lazard is a preeminent financial advisory firm which specialises in crafting solutions for the complex financial and strategic challenges of their clients around the world, including corporation and institutions. Governments and high net worth individuals representing over \$1 trillion in debtor assets also use the services of Lazard. Here are a few of their comments:

“The core idea behind the Postal Service plan can be summarized as shrink to survive.”

“Fundamentally we believe that a successful restructuring of the postal service must start with a plan to better leverage its last mile delivery network a retail network that touches every city, town and neighborhood in America. Instead of focusing on shrinking its network and capabilities the USPS needs an ambitious rethinking of its business model, for example.”

“Better leverage last mile delivery to grow parcel service business. Explore expansion of services that the Postal Service can provide. Consider modifications and greater flexibility to pricing of products.”

Fredrick Rolando President of NALC commented, “One quarter of all members of my Union who served their nation with the armed forces can tell you no battle has ever been won through relentless retreat. Legislation by Congress and in the

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# Racism: America's Original Sin

I had intended to focus on the controversy that surrounded the white woman, Rachel Dolezal, who claims that she is African-American and as a result started a firestorm, but since the massacre in South Carolina in which nine African-Americans, six women and three men, were killed by one racist American terrorist I feel that both events can go together.

I will deal with the racist shooting in South Carolina first. Despite the clear racial intent of the racist who committed this crime, there are still those in America and right here in Bermuda, judging by a Royal Gazette editorial which tried to say that this racist terrorist was motivated by a desire to gain notoriety rather than what it was, America's oldest sin, that of racial violence committed against its African-American population, who believe that racism does not exist.

There has not been a generational period in the United States where the African-American population has not suffered violence and racial oppression at the hands of America's white population. And often it has been the black church which has borne the brunt of that oppression having in many cases those churches burn to the ground or otherwise destroyed. Who can forget the horrific church bombing in Birmingham when four little black girls were killed. This forever serves as a symbol of racial oppression suffered by the black community in America.

This is the environment which has allowed America's racial oppression to continue to survive and to continue to bubble to the surface and in the

cases of black churches, they are still the target of racial attacks with such churches being made the target of arson.

This is what fed the murderous intent of this lone American terrorist. This is what could allow him to calmly enter this black church, sit with his intended victims for an hour as they studied the Bible, and then to cold bloodily murder them.

The mere fact that he took pictures of himself wearing the national symbols of the former white minority apartheid state of South Africa and a similar national symbol of the former white minority state of Rhodesia shows his contempt for blacks. A bitter liberation war had to be fought to create black majority ruled state of Zimbabwe (formerly Rhodesia). In addition there was a struggle undertaken by South Africa's black majority which brought the bloody racial conflict to an end bringing freedom for South Africa's black majority.

A racist manifesto has been brought to light believed to have been written by this racist killer. This clearly shows, together with his identification, those formally white-ruled states in South Africa that far from being deranged, he subscribed to a racist world view that stretched from formerly white-ruled states in Africa to the United States of America. The person who committed the crime at this church remains as sane as the Nazis who carried out the mass murder of six million Jews in during World War II whose leaders were put on trial and many were hanged for their crimes. I saw some of the fami-

## THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

lies of the victims in the court when this racist murderer made his first appearance and one by one they threw their pain and grief aside and stated that they forgave him. But for me, only God can do that, I cannot.

Now to the other story which involves the question of race – Rachel Dolezal's story where she has claimed that she is a black woman dominated the social media and the news media generally, but now due to the events of the racist murders in the church in South Carolina has faded to the background. I must admit then when it comes to the question of race, there is very little, if anything, that could throw me off when it comes to debating the issue. But I confess that the Rachel Dolezal story did so as I viewed the reaction of especially black people to her claim of being a black woman. The reaction ranged from outright hostility to ridicule and "how dare this white woman claim the black experience as her own". I entered the debate online with a webpage in the UK where first a Black female took issue with my opinion that in view of what we have done in that

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# Bermuda Health Foundation 2015 Awardees



On Friday, June 19, 2015, the Bermuda Health Foundation honoured Mr. Patrick Tannock, President of XL (Bermuda) Ltd. with the 13th Annual Salute to Service Award. Mr. Tannock is responsible for strategic direction, underwriting profitability and leadership at SLIB business lines. Mr. Tannock is also President of XL Foundation, the company's philanthropic unit. He was chosen to receive the award from the Bermuda Health Foundation because of his commitment and dedication to moving Bermuda forward through his professional and personal life.

The Foundation also presented two scholarships at the Awards luncheon which was held at the Fairmont Hamilton Princess Hotel. The two recipients were Shi-Vaughn Lee and Chioma Nwasike.

Shi-Vaughn is studying at Howard University and is trying to decide whether she will specialize in Obstetrics and Gynecology or Urology, keeping in mind that at present there is only one urologist practicing in Bermuda.

Shi-Vaughn has maintained a 4.0 Grade Point average while at Howard University and is among the top 2% of the students in her year. One of her professors has written the following about Shi-Vaughn in a letter of reference "What was surprising to me was her ability as a freshman, in a class with sophomores and other upper-classmen, to be vocal during class and positively contribute to the learning environment. Usually Freshmen are intimidated by upperclassmen, but Shi-Vaughn is confidence enough in her knowledge and understanding of the material to not let this sway her."

Shi-Vaughn is a graduate of Somersfield Academy, where she also excelled as a student.

Chioma, a student at Dalhousie University, was inspired to study medicine by her grandfather, Dr. Betram Ross and her aunt, Dr. Fiona Ross.

A graduate of the Berkeley Institute, Chioma is intending to qualify as a pediatrician by the time she completes medical school. In addition to excelling academically at Dalhousie, Chioma has volunteered at the Black Student Advising Centre mentoring program, the Pediatric Medical Unit at the IWK Health Centre for Women and Children in Halifax in addition to serving as a Child Mentor/Support at the Oncologico Hospital in Bolivia. Chioma is described by one of her advisors as "a hardworking, reliable, brilliant and respectable young lady".

On Saturday, June 20, 2012, the Bermuda Health Foundation hosted its 13th Annual Charity Golf Tournament at Belmont Hills Golf Club. This year's winning team was the team entered by BelCo.





## Korea: Supreme Court Affirms Right to Unionise for Undocumented Migrants

Brussels, 25 June 2015 (ITUC On-Line): In a landmark decision, Korea's Supreme Court has now ruled that undocumented migrant workers have the right to unionise, eight years after the migrant workers' trade union MTU first launched its legal action. The government refused to register the MTU and engaged in a targeted crackdown by arresting and deporting its leaders. The Court's ruling that these workers are included in the scope of the Trade Union and Labour Relations Adjustment Act is a major victory against the staunchly anti-union government.

Udaya Rai, President of the MTU said, "We, the migrant workers, have the right to form a union. It took no less than eight years for the litigation because the government didn't want to recognise our fundamental right.

Today we found that we can achieve what we want when we are united and fight together. On this occasion, we will organise more migrant workers regardless of their status into our union and continue our struggle for labour rights for all migrant workers! I appreciate all the support and solidarity for the MTU".

The Korean government's refusal to recognise the right of migrant workers to organise unions was criticised by the International Labour Organization's Committee on Freedom of Association numerous times, most recently in March 2015.

In reaching its decision, the Court reviewed relevant legislation from a wide range of other countries, and found that the right to organise for undocumented migrants is the inter-

national standard. The Court also heard that the number of undocumented migrants in the country, largely those whose residence permits had expired, was around 210,000 in 2014.

Sharan Burrow, ITUC General Secretary, said, "This judgement clears up one of many breaches of international labour standards in Korean law and practice. It is an important victory for some of the most vulnerable and exploited workers who will now be allowed to organise to protect their rights at work and improve their lives."

The ITUC represents 176 million workers in 162 countries and territories and has 328 national affiliates.

## It's Time To Pull the Plug on Fahy's Light!! continued from page 3

take ownership of the Chief Immigration Officer, Dr. Danette Ming and refer to her as "my Chief Immigration Officer". The Minister needs to be reminded that all government workers, white collar and blue collar, are servants of the people, are paid for by our taxes and work for us, the people, not for any Minister. The fact that the Minister would refer to the Chief Immigration Officer as "his" is another example of his dictatorial tendencies.

Let us not forget that the agent for the employer lied to the Immigration Department stating that no Bermudian had applied for post. How many other employers, or agents for employers, who are applying for work permits have informed the Immigration Department that no Bermudian have submitted applications for the advertised positions? It is my opinion that the reason for so many migrant workers on our shores is because employers are

not truthful with the Immigration Department. In this particular case, the applicant complained to the Immigration Department and the Ombudsman, but how many other applicants have just accepted that they were not hired for positions that they applied for without taking it further?

I do believe that all right thinking Bermudians might agree that it's past time to "pull the plug on Minister Fahy."

# Mutual trust and confidence between employer and employee – the heart of the employment relationship

by Delroy Duncan

In the Workers' Voice publication dated May 29 2015, I discussed how terms and conditions of service contained in a Collective Bargaining Agreement, The Employment Act 2000 or a company manual or employee handbook are incorporated into an employee's contract of employment.

I identified mutual trust and confidence as one of a number of implied terms capable of incorporation into an employee's contract of employment. The case for this implied term is much stronger. The law suggests mutual trust and confidence is an implied term and condition incorporated into every contract of employment.

Many contracts of employment do not contain an express written term stating that the employer and employee must treat each other with mutual trust and confidence. This is surprising considering the importance of the term, and the fact that in the day-to-day conduct of an employment contract, mutual trust and confidence is the glue that binds the relationship between every employer and employee.

This article will discuss, firstly, what trust and confidence in the employment relationship means. Secondly, the positive duty imposed upon both the employer and employee to make the contract of employment work. Thirdly, examples of conduct that the Courts have determined breach the obligation of mutual trust and confidence between employee and employer. Fourthly, whether a series of events or course of

conduct can amount to a breach of the obligation of mutual trust and confidence between employee and employer and, fifthly, examples of conduct which do not breach the obligation of mutual trust and confidence between employee and employer.



## I. What trust and confidence in the employment relationship means.

In the important United Kingdom legal authority *Eastwood v Magnox Electric plc* 2004 IRLR 733 HL, which is binding upon the Courts of Bermuda, the Court stated "The trust and confidence implied term means that an employer must treat his employees fairly. In his conduct of his business and in his treatment of his employees, an employer must act responsibly and in good faith"

In another important legal authority *Woods v W M Car Services (Peterborough) Ltd* 1981 IRLR 347 EAT the Court stated "It is clearly established that there is implied in a

contract a term that the employers will not, without reasonable and proper cause, conduct themselves in a manner calculated or likely to destroy or seriously damage the relationship of confidence and trust between employer and employee. Any breach of this implied term is a fundamental breach of the contract since it necessarily goes to the root of the contract".

In Bermuda the implied term of trust and confidence was recognised as applying to contracts of employment by the Supreme Court in the case *Stevedoring Services Ltd v Simmons and Others* 2000 Bda LR 29.

Although the implied term is often described as imposing a duty upon an employer to treat an employee fairly by maintaining trust and confidence in the employment relationship, the obligation is mutual. *An employee is also bound by the implied term and must uphold his end of the bargain by treating his employer fairly by maintaining trust and confidence in the employment relationship.*

In order to determine if, for example, an employer has breached the implied duty of trust and confidence, the conduct of the employer must be both serious and materially damaging to the employment relationship. The impact of the employer's behavior upon the employee is an important factor when assessing whether there has been a breach of the implied term. However, what the employer intended by his conduct is not a relevant factor.

The implied duty of trust and confidence only applies during the employment relationship. Once a de-



# Mutual trust and confidence between employer and employee – the heart of the employment relationship continued from page 8

cision has been taken to dismiss an employee, the trust and confidence obligation no longer exists.

## **II. The implied term of trust and confidence imposes a positive obligation upon the employer and employee to perform the contract fairly.**

The obligation of mutual trust and confidence is taken from the general duty of cooperation between parties engaged in a contract - in this case, a contract of employment. There must be basic cooperation between the parties to ensure the terms of a contract can be carried out.

The relationship between employer and employee is heavily weighted in favour of the employer because of his/her power in the employment relationship. For example, once a contract of employment has been agreed, the employer dictates the work to be performed, how and when it is to be performed, the terms and conditions of service and the rates and frequency of pay. An employee can decide to accept or reject the employer's conditions of service. As a result, the importance of the implied duty of trust and confidence lies in its impact on the obligations of the employer to treat the employee fairly.

Examples of this positive duty imposed upon an employer to treat an employee fairly includes the following obligations to:

Provide information to employees about the rights of employees to purchase added years of pensionable service.

Protect an employee against victimization and harassment which causes physical or psychiatric injury. In one example the victimization and harassment of a female police officer

took place when she had broken the team rules by complaining of sexual acts by a fellow police officer. Her employer failed to protect her from the behavior of her fellow officers.

Render reasonable support to an employee to ensure that the employee can carry out the duties of his/her job without harassment and disruption by fellow workers.

## **III. Examples of conduct which breach the implied term of trust and confidence.**

Conduct by an employer demonstrating that he has no confidence in the employee or acting in a manner calculated or likely to destroy or seriously damage the employer/employee relationship amounts to a breach of the implied term of trust and confidence.

The following are examples of conduct by an employer which can amount to breach of the implied term:

- Allowing the physical and verbal abuse of an employee.
- Calling a female secretary a bitch.
- Changing the terms of an interest free or reduced interest loan to the employees detriment when the house proved difficult to sell on relocation of the employee.
- Giving the employee a severe telling off in front of others.
- Swearing at an employee in the office when he was unable to travel abroad for work due to family commitments.
- Failure to provide the police with relevant information which led to the employee's wrongful arrest and suspension from work.
- Bullying, unjustified criticisms

and taking credit for someone else's work.

•Failure to investigate and support a complaint or take seriously complaints of sexual harassment.

•Requiring an employee to carry out increased duties without providing them with support.

•Giving an employee an excessive work load.

•Moving a senior worker to an inadequate office or location.

•Not following an existing disciplinary procedure or imposing an unwarranted disciplinary sanction.

•Failing to offer an employee an enhanced redundancy package .

•Failing to offer an employee on maternity leave the opportunity to apply for a vacancy when the employee felt she was qualified to apply even though the employer thought otherwise and didn't short list her.

•Giving an employee a final written warning for unknown offences without an investigation or hearing.

•Unjustified demotion and suspension without reason.

•Giving an employee an unfair and unreasonable reference.

•Breach of any statutory duty imposed under the Employment Act 2000 for example, under PART III of the Act which considers time off for public holidays, annual vacation, public duties, sick leave, ante-natal care, maternity leave and bereavement leave.

The following are examples of conduct by an employee which can amount to breach of the implied term.

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# Mutual trust and confidence between employer and employee – the heart of the employment relationship continued from page 9

- Disclosing the employer's confidential information to third parties.
- Misusing company equipment and resources.

## IV. Can a series of events or course of conduct amount to a breach of the obligation of mutual trust and confidence between employee and employer?

An employer can commit a series of minor or trivial acts which, individually, do not amount to breach of the implied duty of trust and confidence. However, if those minor or trivial acts are taken in total, those acts may be such that the employer's

conduct amounts to a breach of the implied term of trust and confidence. In such cases, the final act of breach by the employer may be minor, however, taken together with the other breaches, the final act or breach will be considered the final straw.

V. Examples of conduct which do not breach the obligation of mutual trust and confidence between employee and employer.

The implied term of trust and confidence is only breached by conduct which seriously damages or destroys trust and confidence. Both the

employer and employee are expected to absorb less serious disputes without elevating them to the level of a breach of the implied term.

The following are examples of an employer's conduct which do not amount to breach of the implied term:

- An employer giving an employee lawful notice of termination of employment.

- There is no implied term that an employer will treat an employee in a reasonable manner. Such a term would be too wide and too uncertain. ■

## Mrs. Melinda Williams Named Director of Department of Statistics

Mrs. Melinda Williams has been appointed to the position of Director of the Department of Statistics for the Bermuda Government, making the announcement today was Secretary to the Cabinet and Head of the Civil Service, Dr. Derrick Binns.

Mrs. Williams joined the Public Service as a Statistical Officer in 1984 and was then promoted to Social Statistician in 1992. During her tenure, she gained experience as the Parliamentary Voter Registration Survey Supervisor for the 1987 and 1995 surveys. Mrs. Williams also served on the 1991, 2000 and 2010 Census Planning Teams. Between 1999 and 2001 she was the Assistant Superintendent for the 2000 Population and Housing Census where she was responsible for assisting with overseeing the general operation of the 2000 Census which included activities such as questionnaire design, developing training materials, writing manuals, recruiting, training and supervising

census staff.

In 2005, Mrs. Williams spent seven months in the Central Policy Unit as a Sustainable Development Project Team Member under the direction of the then Assistant Secretary to the Cabinet. She contributed to the Sustainable Development consultation document and acted as an advocate for the process.

Returning to the Department of Statistics, she resumed her duties as Social Statistician, a position she has held for the past 23 years. Mrs. Williams has acted recently as Director of the Department of Statistics for more than a year.

Dr. Binns said, "I am pleased to congratulate Mrs. Melinda Williams as she assumes the role of Director effective immediately. Mrs. Williams has been with the Bermuda Government for 31 years and during her tenure has been employed in a number of positions that make her the ideal candidate to head the Depart-

ment of Statistics. She brings to the position a wealth of knowledge and experience in statistics, together with an overview of Government."

"Mrs. Williams' career within the Public Service has been outstanding and shows a steady progression of competence which has led to her successfully applying for and attaining the position of Director. She will be responsible for leading the department, overseeing the Bermuda Census process and producing statistical data, surveys and publications for the Bermuda Government. Again, I extend my congratulations to Mrs. Williams," Dr. Binns concluded. ■



# Brimmer and Morris Team Up For Health & Safety Seminar

by Jenefer Brimmer



The Annual seminar for Health & Safety Committee Officers throughout all divisions of the BIU was held 28 - 30 April, 2015 at the BIU Headquarters, organized by BIU Education Officer, Brother Collin Simmons...

The Bermuda Asthma & Allergy Relief Centre (BAARC) & Complete Care Clinic (CCC) provided a well received interactive 3 hour session on the afternoon of 29 April 2015. Veteran asthma educator and former shop steward for the Hotel Division, Ms. Jenefer Brimmer, CRDE, COCT along with veteran Anesthesiologist Cindy L. Morris, MD, Dipl. ABA, Medical Director lectured about the respiratory health issues that routinely occur in the workplace and the home, as well as how the indoor environment impact our health, with special emphasis on PREVENTION!

Participant officers voiced their concerns and were given practical solutions, as well they were also encouraged to be alert and pay more attention to workers who may suffer from these ailments, as it is part of their responsibility to ensure the workplace is safe and conducive for

productivity. Also demonstrations were done of the various products available through the BAARC. These included

- Portable Nebulizers, peak flow meters and spacers for medications of asthmatics,
- Portable Airline Approved Oxygen Concentrators for person who need extra oxygen at all times,
- Portable Airline Approved CPAP machines for person's who suffers with Sleep Apnea,
- Natural household, laundry care and personal care cleaning products that do not irritate the nose and do not trigger asthma or allergies.
- Hypo-Allergenic Pillows and Dust Mite barrier Mattress and Pillow covers to decrease the dust mite exposure, thus allowing better sleep.

I also shared with the group that she co-founded the Bermuda Asthma & Allergy Support Group Charity (BAASG) in 1997 here in Bermuda, through its Affiliation with the Asthma & Allergy Foundation of America and the Bermuda become the FIRST International Support Group Charity with the organization. She also shared that BAASG Charity are always looking for new members,

volunteers and donations are always welcomed! Visit website: [www.aafa.org](http://www.aafa.org)

Than Winding up the presentation Jenefer provided a selection of FREE handouts of Peak Flow Meters, Opti-Halers, Opti-Chambers, Asthma Packs and more! to the delegates who either suffers from Asthma themselves or for their children.

It was also announced that a collaborative venture between BAARC and CCC is coming soon – STAY TUNED!

The Complete Care Clinic is located on Dundonald & Brunswick Streets. There Dr. Morris will also provide expert guidance to those who need continued help with adjusting to their respiratory equipment and mask for the desired best practice, monitoring the need for replacement accessories on a time basis, provide in-home consultation to those who are unable to attend the office setting, Pre and Post Anesthesia questions, Pain relief and Blood type health and Diets. Walk-in service is also available and on **Thursdays @ a special rate of \$30.00 for brief consultation.**

The Clinic is opened from Mondays to Saturday. **However, the service offered by Dr. Morris is in no way intended to replace the patient regular physician, but will compliment the effectiveness of the patient being monitored for the best outcome!**

Referral by the person's doctor is welcomed, **but is not required.** Enquiries by phone 292-8131 or via eMail [info@complecarecare.bm](mailto:info@complecarecare.bm) are also welcome. ■



# Racism: America's Original Sin continued from page 5

regard, adopting the appearance of white beauty standards with blond wigs and skin bleaching that has occurred throughout Africa, the Caribbean and North America, then perhaps we could not really get upset that one white woman claims to be black.

But the biggest surprise to me was that there were many opinions that did not compare the wholesale adoption of white beauty standards mostly by black women, although some males have also done the same thing. Michael Jackson comes to mind. The same black female who I was having this exchange with at one point bemoaned the fact that this white woman could claim to be black but she herself could not claim to be white. In other exchanges I had online, it seemed that there was a desire to defend victimhood. Now, I have never given any creditability to the term victimhood or the often using "playing the race card" term which I consider has been used by the white community to discuss the question of race and its implications, but here I was engaged with a debate with a white person who seemed to be defending victimhood and insisting that a white person in no way could claim to understand or know the reality of

racial oppression. On some level, that could be true, but an understanding of that racial dynamic, I beg to differ. Not only does Rachel Dolezal have a master's degree in African/American studies, but she was also a lead of a chapter of America's oldest civil rights organization, the NAACP. That seemed to upset many people, but they apparently did not know that this black civil rights organization was started by a white socialist progressive movement who were its founding members.

But can a white person, or a member of another race adopt the mores of another race and even claim to be of that race? Again Black people cannot get upset as many have been passing for white for generations and we all know of some black people who are as black as midnight, but who have adopted the social mores of the white community.

What we do know is the human psyche is complex and that humans have formed relationships under some unusual circumstances and it has not always been based on strict identity racial or otherwise. There is a scientific study called the Stockholm Syndrome based on a real occurrence where a bank was robbed and a hostage situation ensued and

the bank staff formed an affinity with the robbers going so far as to help them. But the most famous example was that of Patty Hearst, the daughter of multi-millionaire who was kidnapped by a radical group, the Symbionese Liberation Army in the 1970s and ended up joining them, even holding up banks. One picture showed her holding a weapon as the armed robbery was taking place. Instead of being a kidnapped victim, she ended up going to jail as she identified with her kidnappers.

As I stated, human relations and bonding is complex. Rachel Dolezal formed an affinity with the African-American community at an early age. Her parents adopted African-American children. She ended up going to a well-known black institution, Howard University, married a black man and having a child with this man. From all I have read about her, she knows the black experience very well and somehow she has formed a complete affinity with the black community. Instead of being criticized for taking the identity of a black woman, she should be praised for opening up a new dynamic in racial and human relations. ■



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## Keep Post Alive continued from page 4

plans advanced by the Postal Service management is that they see only problems not opportunities. They assume that the Postal Service is slowly becoming obsolete and there's nothing really much to do about it except to keep cutting costs."

Jeanette Dwyer President of National Rural Letter Carriers Association (NRLCA) commented, "We cannot afford to move backwards. We must continue to provide the service our customers expect and have come to rely upon. To do otherwise would be to add insult to injury and further undermine the financial health of the Postal Service which we desperately need to succeed.

Robert Rapoza President of National Association of Postmasters

of the United States (NAPUS) commented, "What differentiates the Postal Service from other privatized postal providers is its essential mission to provide a universal and uniform service at an affordable price. The physical presence of Post Offices provides a major competitive advantage for the Postal Service's participation in the parcel market. Closing rural Post Offices would net minimal savings."

Bermuda Employers Council reported "Committed long serving faithful employees. You have a tried and tested service with all the potential to be a service provider of choice. Excellent office locations for accessibility to the public."

My personal opinion in short is rethinking closures, adequate staffing, aggressive marketing and advertising... it's like toothpaste yes it can be expensive however if you don't use it your smile is no longer that pretty and it becomes more expensive down the road, product and service diversification... 40 years ago you could not have bought a cooked meal at a gas station or a super market and no iam not suggesting we sell food but I think you get the idea.

P.S. Wikileaks, identity theft, hacking and cyber theft have covered the globe and have affected you or someone you know Post Office is the oldest safest network on the planet...Keep Post Alive. ■

## The King of Bermuda continued from page 1

for speaking truth to power, yet he still maintains a continuing commitment to global justice and liberation of oppressed people even at the tender age of 82. We need more Rev Tweeds in the world!"

When most of us live a life of hap-penstance and hypocrisy, failing to match practice with proclamation, the

unswerving commitment to justice of Rev. Tweed is truly an inspiration. Note to self, watch less TV and try to do a bit more to make the world more equitable for more people. The energy of the lecture theatre brought to mind the catchphrase of the Bermuda tourism campaign slogan "BERMUDA: feel the

love". Oxford University certainly felt the love for Rev. Tweed.

*Alexa Viridi is a Bermudian DPhil Candidate in Law at the University of Oxford. The event was co-organized by Kevin Minors, a Bermudian PhD candidate in Mathematics at the University of Bath.* ■

## MoonGate Insurance Enhances HealthGap with WellCard continued from page 18

in the same building as the HID.

Medical Air Services Association (MASA) – MoonGate Insurance is an agent for MASA, for emergency relocation and transportation services. Many Health Insurance policies do

not cover the costs of air ambulance services; for instance, neither HIP nor FutureCare provide this cover. The inclusion of the MASA product helps to close the gap on "major-medical" cover provided by other domestic insurers.

Freisenbruch-Meyer Group (FMG) - MoonGate Insurance is an agent for FMG for a variety of insurance products, including Property, Motor, Marine and Pensions for both personal and commercial clients. ■

# There Is Merit In Bermuda Being Associated with The Caribbean

By Zane DeSilva, JP, MP

There was a fair bit of discussion a couple of months ago – largely emanating from the Bermuda Tourism Authority and its CEO, Bill Hanbury about the need for Bermuda to differentiate itself from the Caribbean in terms of how it brands itself from a marketing perspective.

Certainly, there is some merit in doing so. After all, for the most part, Bermuda is a fairly unique product which because of its relative geographic isolation as a mid-Atlantic island, has a climate that for about six months or so, is unlike that found in the Caribbean.

On the other hand between May and September, one would find it difficult to not acknowledge that during those months Bermuda is just as Caribbean in terms of its climate, as any island to the South of us. Notwithstanding that, with approximately 60 percent of its population of African descent holding strong ties to the Caribbean it's equally hard to deny that Bermuda has a very strong Caribbean cultural influence as well.

But what is important is the perception of the customer and on that front - based on a lifetime of experience - success, in terms of this aspect of the BTA's overall campaign is not assured.

As a baby boomer, I came of age during the golden era of tourism in Bermuda. That era from 1955 to about 1985 fueled Bermuda's economic growth during that period and positioned us as a market leader at the forefront of resort style tourism globally.

Bermuda then, besides being unhurried and a place with some of the best beaches in the world, was also a

tourist destination that for millions was also known for its cachet. Bermuda in other words was hip, it was fun, it was cool, and attracted a rather affluent discerning clientele, largely derived from the east coast of the United States.

The burnishing of this unique cachet was driven by the welcoming and engaging culture of Bermudians themselves who manned the industry, particularly at those levels that required one on one contact with the visiting guests. In effect, for those of my generation and older, tourism and hospitality was part of our DNA.

Yet, during that whole time when Bermuda routinely drew 400,000 to 550,000 airborne visitors yearly - largely from the US - if one would have done a survey in our largest markets then and asked the question as to where Bermuda was located, I would hazard a guess that most Americans at least would have said in the Caribbean. My point is that at a time when we were breaking visitor arrival records year over year, many people in those markets were just as confused about where Bermuda was as they seemingly are now.

In this regard we may be barking up the wrong tree. Perhaps a bigger problem may lie in the fact that over the last two decades Bermuda has become known internationally – at least in our traditional markets – for being more of a staid, boring, affluent off shore international business domicile at best and for others an off shore tax haven at worst. As opposed to the Bermuda that at least until the 1980's, was a top drawer resort tourism destination cater-

ing to the high end visitor. In other words, have we become more of a place where the affluent come to do business but not necessarily a place where they want to stay and have fun?

But maybe what we really need to see happening is for the BTA to stop talking out of both sides of their mouths when it comes to marketing Bermuda. For while Mr. Hanbury pours cold water over the Caribbean link and says that Bermuda is more like the Hamptons, which is a very wealthy enclave on Long Island, the BTA, as reported, is one of the major sponsors behind what is now called "Bermuda Heroes Weekend".

And what will "Bermuda Heroes Weekend" consist of? Well, as the daily reported the event which will feature a number of soca acts will essentially be a Caribbean carnival-style parade. It will also focus on marketing the event to draw fans of carnival from the US and the Caribbean. Increasingly seems as if Bermuda is not like the Caribbean except when the BTA wants it to be.

I'm scratching my head and I suspect you are too.

The clock is ticking.

Over the next three years as Cuba comes on line and as major investment pours in there from the U.S the competitive environment facing Bermuda will likely intensify. Cuba is hip and cool with a rich culture and a pristine environment, still in many respects untouched by over development. It is also the type of place that the rich and hip, that Bermuda used to attract in droves will be dying to visit. ■



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# Ombudsman for Bermuda Submits Her Annual Report for 2014



Hamilton, Bermuda: Victoria Pearman, Ombudsman for Bermuda, issued the Annual Report for the calendar year 2014.

“Our Annual Report provides a review of the Ombudsman’s first year in Office. It shows how the Ombudsman has achieved strategic aims set out in her message in the Annual Report 2013. The strategic aims are separated into sections, namely: Greater Public Access, Greater Public Awareness, and Championing Best Practice. These sections include complaint statistics presented in an easy-to-read format. Summaries of complaints closed in the calendar year 2014 are also described, as well as information on specific authorities that we have chosen to share so the public can learn more about various departmental practices, policies, procedures and governing legislation.

The Annual Report includes a special report regarding a complaint where the Ministry of Home Affairs and the

Department of Immigration failed to follow certain Ombudsman’s recommendations.

Additionally, the Report includes a section of updates on previous Special Reports. These provide information on what has occurred in 2014 in relation to: ‘4x6=262: Special Report on the Ombudsman’s Own Motion Systemic Investigation into Governance at the Corporation of Hamilton’ and ‘A Grave Error: Ombudsman for Bermuda’s Own Motion Systemic Investigation into the Demolition of Tombs in the Marsden Methodist Memorial Cemetery at Tucker’s Point’.

Limited copies of the Report will be available for the public at our Office located at: Dundonald Place, Suite 102, 14 Dundonald Street West, Hamilton HM 09. The Report can also be downloaded from [www.ombudsman.bm](http://www.ombudsman.bm), along with all other previous reports published by the Office. ■



# EAP CLIPS: JUNE 2015

## BE A BETTER CO-WORKER: TEN TIPS

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Taking a moment to think about how we may be viewed by co-workers is an important exercise that could have far-reaching effects. While you may not care what Bob down in accounting or Mary the administrative assistant thinks of you, it's important to remember that Mary may go on to become the administrative assistant to the potential new boss you have an interview with. And one day Bob just may be in charge of auditing your expense receipts at a future company.

"The single most important thing to remember is to be considerate," says John Challenger, chief executive officer of a global outplacement consultancy firm Challenger, Gray & Christmas, Inc. If you truly think about how your behavior may impact others, you will understand how to behave courteously, improving your rapport with co-workers. Here are ten tips to help you be a better co-worker.

**DIAL IT DOWN A NOTCH.** Whether it's talking on your phone, singing to your music, or slamming file drawers with a deafening bang, reduce the volume of noises emanating from your office or cube.

**KEEP YOUR EGO IN CHECK.** Watch your bragging. It's great that you recently aced the deal with a difficult client or made an unbelievable golf shot yesterday. Most of your co-workers don't want to be subjected to hearing the endless reasons why you are so great. Wait to earn a compliment rather than trying to force people to deliver one.

**AVOID OFFICE POLITICS (PART 1).** When the resident gossip "confides" insider information to you and is waiting to hear your reaction and rebuttal don't bite, even if it's about someone you dislike. Scandalous scuttlebutt flourishes on the office grapevine and you don't want your remarks to come back to haunt you.

**CLEAN UP AFTER YOURSELF.** The old standby of mom's is spot-on. Make sure you clear the break table after eating and don't leave food rotting in the fridge.

**SILENCE IT.** Silly noises usually elicit more grimaces than giggles. Avoid annoying phone ring tones or computer sound effects. While you may enjoy hearing "It's a Small World After All" over and over every time your phone rings, you can bet you're alone in the amusement.

**CUT CUBE CLUTTER.** Make sure your thriving collection of ferns doesn't cascade over into adjoining cubes or the many pictures plastered around your area don't stick up over cube dividers. While these items may make your cube "homey," the view from the other side is far less pleasing.

**AVOID OFFICE POLITICS (PART 2).** Today's politically polarized environment makes discussing even the most innocuous issue a potential touchstone for office controversy. So keep your ideas for obtaining world peace or solving economic dilemmas under your hat.

**TEMPER YOUR TOXICITY.** Try to not let your moments of personal or professional unhappiness blanket the office. Co-workers will cringe at your ability to put a negative spin on everything.

**GOOD HYGIENE NEVER FAILS.** Oftentimes you're with colleagues more often than you are with your family at home. That doesn't mean you should become complacent in your grooming. Your co-workers will always appreciate your use of shampoo, toothpaste and soap – and several squirts of cologne do not take their place.

**KEEP THE SMALL TALK SMALL.** While it is important to bond with fellow co-workers, everyone is there to work. By all means share a quick little story that will brighten their day. But don't plop down in a chair and kill a good hour with idle chatter.

"The best environments to work in are those where people really get along and have built friendships in the workplace," Challenger says. "However, if there ever is an issue between co-workers it's very important to recognize it and repair it," he advises. It is in both your best interest and the best interest of a company to maintain a cooperative, friendly work environment.

Written by Kate Lorenz, CareerBuilder

For additional information please contact the **EMPLOYEE ASSISTANCE PROGRAMME OF BERMUDA**.



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# MoonGate Insurance Enhances HealthGap with WellCard

MoonGate Insurance Ltd. (MoonGate) has established an affiliate company in the United States, to enable the Group to offer Bermuda Residents, when traveling abroad to the U.S., vastly expanded benefits and savings for their Healthcare products and services via a WellCardHealth Program. The company is excited to be partnering with WellDyne Inc., which is a leader in providing the wellness and discount program with reputable and well-known U.S. vendors in the Healthcare space. Clients who sign up for the WellCardHealth Program will be issued a WellCard ("the Card"); by using the Card when purchasing certain health products and services at participating vendors, clients will receive valuable discounts.

MoonGate President & CEO, Leon L. Bascome states that "it has been an arduous task to complete this process; however, we are ecstatic that we can contribute to the reduction in Healthcare costs for both Bermuda Residents and the country as a whole. The WellCard Program will enhance our HealthGap product and enable clients to access discounts for a vast range of products and services in the U.S., including 11,000 Vision locations (Pearle Vision, Lenscrafters, etc...), 80,000 Credentialed Dentists and over 59,000 Nationwide pharmacies. Clients can also obtain pre-negotiated pricing at 410,000 physicians at 45,000 supplementary provider locations and schedule labs and other services, such as X-RAYS and MRIs online. Additional features

include access to over 80 hearing aid models at 1500 preferred providers and heavily-discounted diabetic supplies - this is a tremendous product which places MoonGate Insurance at the forefront of Healthcare product relevance to help address customer needs and associated costs".

A spokesperson from WellCard-Health stated that "we are excited to be partnering with MoonGate Insurance Ltd. Inc. which was incorporated in the state of Florida to provide benefits to Bermuda, U.S. and Caribbean residents. There is much on offer with the WellCard as members save on Prescription Drugs and a wide range of Health Services. Regarding prescriptions, for instance, clients will be able to obtain up to 65% off from locations such as Johns Hopkins Pharmacy, CVS and Walgreens....this is a significant product for the Bermuda market and we look forward to serving the population."

Mr. Bascome continued: "We will continue to offer products that are affordable and of value to clients. The WellCard helps to even the playing field of those who may not have as broad a cover, as those policies offered by traditional players. Individuals and groups who have the HIP and FutureCare policies will be especially pleased with this, coupled with our HealthGap lineup. Any persons traveling to the U.S. for healthcare reasons, now have additional options.

Speaking of additions, I am also extremely pleased to introduce two new members of our team: Hope Johnson - Business Development Officer, who comes to us from the Health Insurance Department and Caroline Mulholland- Customer Care and Administration. These two Bermudian ladies are both knowledgeable in health insurance matters and provide exceptional customer service. They are willing to assist you with all of MoonGate's product offerings, including HealthGap and this new and exciting WellCard-Health Program. Give them a call, or visit us today!"

MoonGate Insurance is an insurance agency, which primarily focuses on Affinity and Group programs. Its main premise is to allow clients to achieve real cost savings by grouping risks and establishing experience-based programs. It also offers policies on an individual basis. MoonGate Insurance is licensed by the Bermuda Monetary Authority.

The company has a number of affiliations, as listed below:

Health Insurance Department (HID) – MoonGate Insurance markets health insurance plans on behalf of the Health Insurance Department. The two products that are available are the Health Insurance Plan (HIP) and FutureCare. MoonGate, which also offers the HealthGap series of products and services and is located

*continued on page 13*



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I L A N E R E R E I B S T E T L I  
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SOLUTIONS ON PAGE 2