

## Delroy Duncan Agrees to Bring Keynote Address to BIU Banquet



Caption, the late Julian Hall, Delroy Duncan and Robin MacMillan on their way to court to fight for workers rights and social justice.

The Bermuda Industrial Union is extremely pleased that lawyer, Delroy Duncan has consented to be this year's keynote speaker at our 37th Annual Labour Day Banquet to be held on August 31, 2018 at the Fairmont Southampton Princess Hotel.

Delroy was called to the Bar at Grays Inn, London in 1984 and called to the Bermuda Bar in 1989 by the late Julian Hall. In addition to being the Managing Partner

in the law firm Trott and Duncan Limited, Delroy is a member of the highly regarded Cloisters Law Chambers in London, England.

Delroy has been extensively involved in litigation arising out of company and commercial disputes, constitutional and human rights issues and he has advised clients throughout the Caribbean, the United States, the United Kingdom and the Far East. Additionally he

has given advice on constitutional and judicial review cases both for and against the Bermuda Government as well as governments in the Caribbean including the British Virgin Islands, Turks and Caicos and Antigua. He has also acted for the Human Rights Commission of Bermuda in various cases.

Delroy's relationship with the Bermuda Industrial began in 1992

*(continue on page 7)*

# Premier Joins 102nd Birthday Celebrations for Mr. L. Brownlow Place



Premier and Minister of Finance, the Hon. David Burt, JP, MP, joined family and friends to wish Mr. Le-Froy Brownlow Place a happy 102nd birthday. Mr. Place was born on 24 July, 1916 to Mr. and Mrs. A.B. and Julia Place. He was the oldest of six siblings, two who are still living, Ms. Hilda Place (93) and Mrs. Rhoda Burrows (91).

Mr. Place was married on 23 June, 1940 to Mrs. Sadie Marguerite Bassett for some 59 years before she passed away in 1999. From their marriage they had three children, Tucker, Glenda and Charlene, all but the youngest, Mrs. Charlene Tyrrell, are deceased.

Mr. Place was a printer for the Bermuda Recorder and worked there until the newspaper closed its doors. He then went on to work for the Corporation of Hamilton for 30

years. He is a lover of cricket and is known to travel to Cup Match every year, to watch his beloved Somerset play. He traditionally leaves his home at 7:00am and stays at the field until the last ball.

Premier David Burt stated, "On behalf of the Government and people of Bermuda, I extend heartfelt birthday greetings to a truly remarkable gentleman. It was an honour to celebrate with Mr. Place and his family. Mr. Place's life spans a period of tremendous development in Bermuda and his work with the Bermuda Recorder added to that publication's significant voice on behalf of Black Bermudians during the era of segregation. Mr. Place is also a proud supporter of Cup Match and a true living legend in our community. I wish him many more years of health and happiness." ■



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## THE WORKERS VOICE

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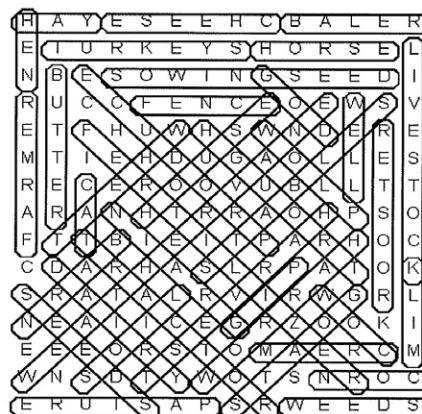
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## PUZZLE • SOLUTION

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BUTTER	FERTILIZER	MILK	TRACTOR
CAT	GOATS	PASTURE	TROUGH
CHEESE	GRAIN	PIG	TURKEYS
CORN	HARROW	PLOW	WEATHERVANE
COW	HARVEST	PRODUCE	WEEDS
CREAM	HAY	ROOSTER	WELL
DAIRY	HEN	SEEDS	WHEAT
DOG	HORSE	SOIL	

The hidden message is: CHICKENS



# “The Brilliance of Burt”

This column was first published in our August 2, 2017 edition of the *Workers Voice*. As the PLP just celebrated its 1st Anniversary as Government, I thought this column would be a fitting tribute to Premier David Burt to republish it in this edition of the *Workers Voice*.

“In my opinion, the person who coined the term “the brilliance of Burt” knew exactly what s/he was talking about as was evidenced by the Progressive Labour Party’s massive win at the polls on Tuesday, July 18, 2017. While I am aware that every Bermudian who voted for the PLP and every member of the PLP’s Campaign Committee and others in the background, including candidates and canvassers, contributed to the PLP’s election victory, I do believe that it was the brilliance of our now Premier, David Burt, who provided the glue that sealed the victory.

I recall when David Burt, now Premier Burt, first joined the Party shortly after graduating from George Washington University in 2003. He was what some would describe as a “fresh upstart”. I know that he and I locked horns on more than one occasion during his early days in the PLP, but I am grateful that he never held that against me. I have openly supported him in all his efforts for leadership positions in the PLP, including his bid to become Chairman of the Party, Deputy Party Leader, and ultimately Party Leader. I always believed that he possessed all of the skills and acumen required of a leader.

During my brief sojourn in the Senate in 2010/2011, I sat next to David Burt and learned much from him regarding parliamentary pro-

cedures required by senators. We also shared some light moments, especially when it came to counting the number of times a senator across the table from us would use the word “turn-around”. I also remember how we did what we had to do to ensure that a certain other Senator sitting across the table from us did not have the last word during the Motion to Adjourn. Thankfully that same Senator, turned OBA Leader, did not have the last word on Tuesday, July 18, 2017 either, because of the “brilliance of Burt”. However, prior to serving as a Senator and Junior Minister of Finance, David Burt served an apprenticeship in the Party at the ground level. Unlike some, he was not catapulted into a leadership position immediately after becoming a PLP member. It was the “brilliance of Burt” that computerized the Party’s membership records, and it was the “brilliance of Burt” that led the PLP to victory on July 18, 2017. I cannot forget, and neither should the rest of us, David Burt’s words in November after his successful bid to lead the PLP. At that time Mr. Burt told the media “I am looking forward to continuing the work to unify the party and I am looking forward to presenting an alternative vision for the future of this country so that people can feel confident in voting for the PLP and end the poor governance of the OBA.” In nine short months, the same period of time that it takes from conception to delivery, David Burt did in fact unify the party just as he presented an alternative vision for the future of the country that captured the majority of the voters in Bermuda.

David Burt comes to the position of



Premier of Bermuda highly qualified. He earned a Bachelor of Business Administration with a double major in Finance and Information Systems in 2001. In 2003, he was awarded The George Washington University Presidential Administrative Fellowship and received his Master of Science in Information Systems Development. He was appointed as a Member of the Senate as well as Junior Minister for Finance and Environment Planning and Infrastructure Strategy in November 2010. Under Paula Cox, Mr. Burt served as chief of staff and was Party Chairman between 2006 and 2009. Additionally he has served on the Tourism Board, National Training Board, a director of the Bermuda Chamber of Commerce and as director of the Bermuda Economic Development Corporation.

Now that the PLP has won the election under the leadership of David Burt, in my opinion all PLP members must now do everything in our power to ensure that Premier Burt and his fellow Cabinet members and the members of the back-bench have our support. I believe it is vitally important that all branches become active so I encourage people to convert their support of the PLP to membership in the Party. ■

# Tribute to Herbert Eugene Bascome

By Kieran MacDonald, Regional Vice President, Fairmont Southampton Princess Hotel

On Monday, July 16, 2018, the Fairmont Southampton Princess surprised Brother Herbie Bascome with a celebratory breakfast in honour of his fifty (50) years of service to the hotel. Invited guests included Members of Parliament, industry partners, Brother Herbie's family members, and of course members of the Executive Board of the Bermuda Industrial Union.

Below is Mr. MacDonald's remarks in their entirety:

"Our Director of Talent & Culture, Donna Harvey-Maybury defines our vision here at Fairmont Southampton is to be the Employer of Choice. Well, we have one man amongst us who chose 50 years ago to make our organization his employer of choice. 50 years for goodness sake, most of us were either mere children or weren't even born. I am of course talking about none other than our very own Herbert Eugene Bascome – fondly known as Herbie.

In truth we are ecstatic that we've actually managed to get Herbie here today. Some of you know that if he had gotten wind of this event, he would ridden off into the hills.....such is the humility of this man.

As a matter of fact, last year he was voted Leader of the Month because of his leadership qualities and many contributions to the Hotel.

Well Ladies and Gentlemen, our Dear Herbie got a ride into Hamilton only to send word back that he had gotten stuck in town & couldn't return.....rumor had it he was probably at Caiseys' having a



Brother Herbie and Mr. Kieran MacDonald, Regional Vice President of Fairmont Southampton Princess Hotel.

cold one! – better known to his inner circle as THE OFFICE

This morning however, we told him he had to be here to oversee the preparation of a very important breakfast, well Herbie, I bet you had no idea you were actually preparing your own breakfast!

## Background:

To better understand just how extraordinary this man is, we need to have an appreciation for the Bermuda that existed 50 plus years ago when Herbie began his culinary career with Princess Hotels. It had only been nine short years since Bermuda had faced overt discrimination head-on with the Theater Boycott.

It was a Bermuda when job advertisements were written in such a way as to discourage Bermudians – and in particular black Bermudians.

It was a Bermuda when if you spoke out about the unfairness of it

all, you were black-balled and your opportunities became non-existent.

All that said, 1968 marked the year when Bermuda after 300 years held its first General Election after the implementation of its new Constitution that allowed Bermuda to be governed by Bermudians.

This, Ladies and Gentlemen, was the Bermuda that Herbie Bascome not only grew up in but started his career. He was determined to excel and that he certainly did and importantly, Herbie has played an integral role in helping to shape Bermuda as we know it today.

Born into humble beginnings, Herbie's character was forged at an early age, persevering through hardships in his quest to succeed in life. Perhaps this was why he has spent so much of his life looking after the interest of others, especially those less able to represent themselves. Just recently, he remarked how the key difference between people is

*(continue on page 5)*



# The struggle to preserve beach areas for the Bermudian people

Bermuda is a country that has a number of beaches, but for such a small country, far too many of these beaches are off-limits to the Bermudian people. There are many that are private and as such even Bermudians are unaware of their existence.

A few years ago I was part of a protest movement called the "People's Movement" which was in open revolt to so many of Bermuda's beaches being off limits to the people of Bermuda.

The recent uproar to the plans to turn the popular Shelly Bay Beach area to commercial tourists reminds us of the protests that met the plans that a restaurant owner had for the area. The people clearly were against the plan and it was finally turned down and we heard no more.

Now we hear of this plan under the guise of the development for tourists to bring in a development that will benefit entrepreneurship for Bermudians. Of course we know that was a sweeter to cover the tourist development which will crowd its

use for ordinary Bermudians which includes churches; schools and because of its shallow waters where the children learn to swim.

One wonders if there is a pitch to develop other beach areas why some of those private beaches are not chosen. Like Grape Bay, for example. Many Bermudians have never set eyes on Grape Bay which is larger than Horseshoe bay and which earlier generations used as a popular picnic area

Grape Bay was one of the areas that the People's Movement mounted its protest; a beach where my mother used to swim as a child which I her son only set foot on it in a protest of being denied the right to do so. The old picnic areas and even some of the tables can still be seen.

What was unique about the People's Movement was that it was multi-racial. That was a thing that was never a common thing in Bermuda - Black and white Bermudians in a common protest. We started the protest at the east end at the Fort

## THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

St. Catherine Beach and moved our way up to Somerset.

Of course when the Americans finally left their east end base, Bermuda got back Clearwater Beach, but behind where NASA located, there are three beautiful beaches where the people of the east end have lost their awareness of. Why are they not considered as new tourism developments rather than take the people's beach in Shelly Bay?

Once again we have to fight and struggle to hold on to the one or two beaches that we can call the beach areas for Bermudians. Let the struggle continue. ■

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### Tribute to Herbert Eugene Bascome *(continued from page 4)*

opportunity and reflected how Lois Browne-Evans, one of our well-known politicians and first Black female lawyers in Bermuda took a personal interest in him and supported him on his culinary journey. With this as a back-drop, in 1968 Herbie began at the Hamilton Princess as Breakfast Chef. It

wasn't long before he was promoted to Sous Chef before transferring to the newly built Southampton Princess. Here he has worked his wonders ever since whilst also gaining international experience in the early years during the off-season at The Greenbrier in West Virginia, the Four Seasons Hotel in Munich,

Germany and the Hotel de Paris in Monte Carlo in Monaco.

### Herbie's Career with the Hotel

Herbie is renowned as being a very experienced and talented chef who has enormous enthusiasm for his craft and yet he still enjoys learning and teaching every day. This is truly

*(continue on page 9)*

BIU PRESENTS

THE 37<sup>TH</sup> ANNUAL  
*Labour Day*  
BANQUET

FRIDAY, AUGUST 31, 2018

**FAIRMONT SOUTHAMPTON**

COCKTAILS: 6:45 p.m.

DINNER: 8:00 p.m.

KEYNOTE SPEAKER:

**DELROY B. DUNCAN**

FCI Arb, Cert. Iod, JP MA (Hons)

DIRECTOR, TROTT & DUNCAN LTD.

Dress Code: **Semi-formal**

Banquet Tickets:

**\$125.00**  
per person



Tickets must be  
pre-purchased:  
Sis. Laverne Furbert  
Tel: 292-0044  
Email: lfurbert@biu.bm



**"PROGRESS TOWARDS A FAIRER BERMUDA"**



## Delroy Duncan Agrees to Bring Keynote Address to BIU Banquet *(continued from page 1)*

when he, represented the BIU in one of its most significant legal battles. Interestingly the Cloisters Chambers is where the late David Turner Samuels, QC, practiced law. David Turner Samuels represented members of the BIU who participated in the 1965 BELCO riots. Delroy was predestined to represent the BIU before he landed on these shores.

According to Ira Philip in "The History of the Bermuda Industrial Union", "President Derrick Burgess, vice-president Chris Furbert and Port Workers former president Sinclair Smith had every reason to feel proud as they sat before five Law Lords of the House of Lords and heard them rule in favour of the BIU in its long-standing dispute with Stevedoring Services Ltd. (SSL) of Bermuda. Their lawyers, Delroy Duncan and Venous (Memouri) Telford of the law firm Trott and Duncan accompanied them.

"The Law Lords in their twelve-page judgement severely took to task the Stevedores and their legal advisers for employing the most Draconian methods in an attempt to break the back of the Union. Additionally, the Law Lords considered that the procedures used by the Bermuda Courts against the BIU represented an abuse of the court processes. TO make the whole exercise even sweeter for the BIU, their Lordships ordered the Stevedores to pay the Union its costs before the Privy

Council as well as in the Bermuda courts, amounting in excess of \$100,000."

Since that time Delroy has represented the BIU in several other labour dispute cases. Most recently he represented members of the BIU, including BIU President Chris Furbert, and others who were involved in the December 2016 protest at the House of Parliament. Most importantly, for the last 26 years, Delroy has represented the BIU in some of its most important and challenging cases which include:

- The 1992 Sequestration case in the Bermuda Court of Appeal where the BIU successfully defeated attempts by the then Attorney General to strip the union of all its assets;
- The 2002 Privy Council case where having lost before the Bermuda Supreme Court and the Bermuda Court of Appeal, the BIU was successful before the Privy Council. The Privy Council refused to approve a work regime which included compulsory overtime. This case is now the leading case in the Commonwealth of irregular industrial action short of a strike;
- The Furlough days case where the largest unions in Bermuda successfully fought off attempts by the former Minister of Finance to impose mandatory furlough days on the workers of Bermuda. This case overturned a 46 year precedent and established that workers

do have a constitutional right to strike.

- Rev. Tweed and the Council of AME Churches and the Minister of Labour and Home Affairs where he successfully stopped the deportation of Rev. Tweed and quashed the Minister's decision refusing to renew his work permit.

Delroy is a qualified arbitrator and has appeared in a number of arbitrations in Bermuda. He is certified as a trained mediator by the Notre Dame Law School and is a certified Human Rights mediator. In 2013 he became certified as a Social Justice mediator by the Social Justice Mediation Institute. In 2016 he was appointed as an Assistant Justice of the Supreme Court of Bermuda.

Tickets for the banquet are available at BIU Headquarters at \$125.00 each or by e-mailing Sister LaVerne Furbert at [lfurbert@biu.bm](mailto:lfurbert@biu.bm). BIU members and friends are also invited to enter a team in the 4th Annual Pre-Labour Day Golf Tournament to be held on Wednesday, August 29th at the Belmont Hills Golf Club. Members and friends of the BIU are also invited to join President Chris Furbert and other Executive Officers at Shelly Bay for the Annual Family Fun Day on Sunday, September 2nd. The Labour Day March will be held on Monday, September 3, 2018, leaving from BIU Headquarters at 11:00 a.m. ■



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# Skills Development Programme Participants in Bournemouth, England

On July 16, 2018, Col. David Burch, the Minister of Public Works announced that four recent graduates of the Skills Development Programme would be travelling to Bournemouth, England the next day on what is likely to be the trip of a lifetime.

The Skills Development Programme is the brain child of Parks Department workers, Brothers Roger Parris and Sam Santucci. When the programme started some three years ago, it was a volunteer programme for three days a week. It has evolved and is now funded by the Bermuda Garden Club and over the last two years the programme has received generous donations from various other sectors in the community. In partnership with the Department of Parks and the Bermuda Industrial Union, young people participate on a voluntary basis and are provided with a stipend at the end of each module so they learn to give something back to their community and also receive a monetary award.

The Skills Development Programme goals are to equip young people with skills, knowledge and experience to assist in making them attractive for employment opportunities in both the public and private sectors: it is envisioned that this programme will reduce the likelihood of these young people engaging in anti-social behaviours. Not only does the programme offer structure, training and support, it provides life skills training and opportunities for them to showcase their potential and talent.



Brother Collin Simmons, BIU Education Officer, Minister David Burch and of Mrs. Cindy Young, President of the Garden Club of Bermuda along with the Skills Development Trainees.

For the past 4 cohorts, the Skills Development Programme has developed a curriculum that helps teach life and career skills that are beneficial for successful employment. The hands-on training exposes participants to a higher level of horticulture and boosts their confidence. This innovative training course includes ten modules that includes a module on 'CPR/First Aid' along with verbal and hands on assessments, at the end of each module. Participants are also given the tools to assist in life lessons such as how to conduct themselves in an interview, time management, and team work.

The four participants who will be travelling to Bournemouth Gardens along with instructor, Mr. Roger Parris - the Supervisory Foreman at the Arboretum, are:

- Shalae Johnson
- Leric Lightbourn
- Troy Watson, and
- Kacy Greene

The participants will be training in the United Kingdom for approximately three and a half weeks and will be exposed to a variety of disciplines that will enable them to further improve and develop their skills in the landscape and horticulture field, only one of them has been to the UK before so I'm sure the others will have an interesting time. On the Bournemouth end Mr. Christopher Colledge, Chairman of Bournemouth Botanical Gardens has been instrumental in facilitating the training in the UK and developing a long term relationship with the Bermuda Department of Parks. Our students will also participate in the annual Exhibition Bournemouth in Bloom while in the UK.

"I encourage you the participants to use your time at Bournemouth Gardens wisely, Col. Burch advised the participants. "The training and exposure should be viewed as planting the seeds that will nurture and



## Tribute to Herbert Eugene Bascome *(continued from page 5)*



Brother Herbie and former BIU Presidents, Brothers Ottiwell Simmons and Derrick Burgess and Sister H. Molly Burgess, BIU General Secretary.

inspiring and highly commendable for someone who has had such a long and successful career. After all, he could so easily have adopted the view that he knew it all & no longer need to learn.

When it comes to talent development Herbie has been a tremendous ambassador for our Culinary Apprenticeship Program, promoting & encouraging young Bermudians to enter our industry. It would not be abnormal for him to show up in Human Resources with a young person he found with a passion for culinary that Herbie wanted to take under his wing.

Without doubt the aficionado of all things breakfasts, Herbie is also king of the Bermuda Fish Chowder, cooking his highly secretive ingredients that are served resort wide & in our world of social media, all you've got to do is look at all the comments of TripAdvisor to know the formidable following it enjoys!

Staying committed to breakfast service for so many years, I have a strong inkling that Herbie sacrificed

many promotional opportunities at the Hotel. For sure, there is no doubting that his genuine passion for breakfast may be one reason as his constant drive to improve the quality & creativity of the Sunday Bermuda Breakfast has helped to position it as arguably the best Breakfast on the Island.

I think a bigger reason behind why Herbie chose breakfast service was that his working day would commence long before even the damn roosters start crowing so that he was then able to commit the rest of the day to his second career, supporting & representing his members of the Bermuda Industrial Union.

### **Herbie the Chief Shop Steward**

As BIU's Hotel Division President & our Chief Shop Steward, what a formidable reputation this man has built over the years. As you know, Donna worked here back in the 80's & with trepidation remembers attending JCC Meetings where those across the table from Herbie were either frightened or

intimidated why, because Herbie always came prepared, knew his facts & was like a Pitbull in his pursuit of doing what was right & fair.

Today, we sit across the table facing a wise Labor Statesman who still knows his stuff, has the respect from all present but whose delivery has softened around the edges. We know we are interacting with someone who has decades of experiences who is simply looking for the best outcome for his members – our employees.

On a personal level, I cannot help but reflect on the many times that we have sat across the table from one another and you have calmly pointed out that you are not here to condone or defend the member's actions but to represent them. You have said many times that everyone deserves to be treated with dignity and respect. But most of all, you remind me of the notion that the most intelligent of us listen more than they speak. Donna says how much she enjoys watching unsuspecting characters thinking that they are smarter than you – only to get their feelings hurt with your direct and frank remarks because you were listening attentively while they were too busy talking.

It is our relationship with you Herbie that shapes our most positive impression of the BIU. We truly believe that we share a common vision. You, Herbie called it Sustainable Tourism when you spoke at the United Nations in 1999.

It is no accident that you received the prestigious BELCO VIP Excellence Award and the Queen's Award in December 2002. You have

*(continue on page 11)*

BIU PRESENTS THE 4<sup>TH</sup> ANNUAL

PRE LABOUR DAY



*Golf*  
TOURNAMENT

**WEDNESDAY, AUGUST 29, 2018**

**RAIN DATE:** Thursday, August 30

**PORT ROYAL GOLF COURSE**

**Shot Gun Start 8:00 a.m.**

Prize presentation & refreshments  
immediately following at  
BIU Headquarters

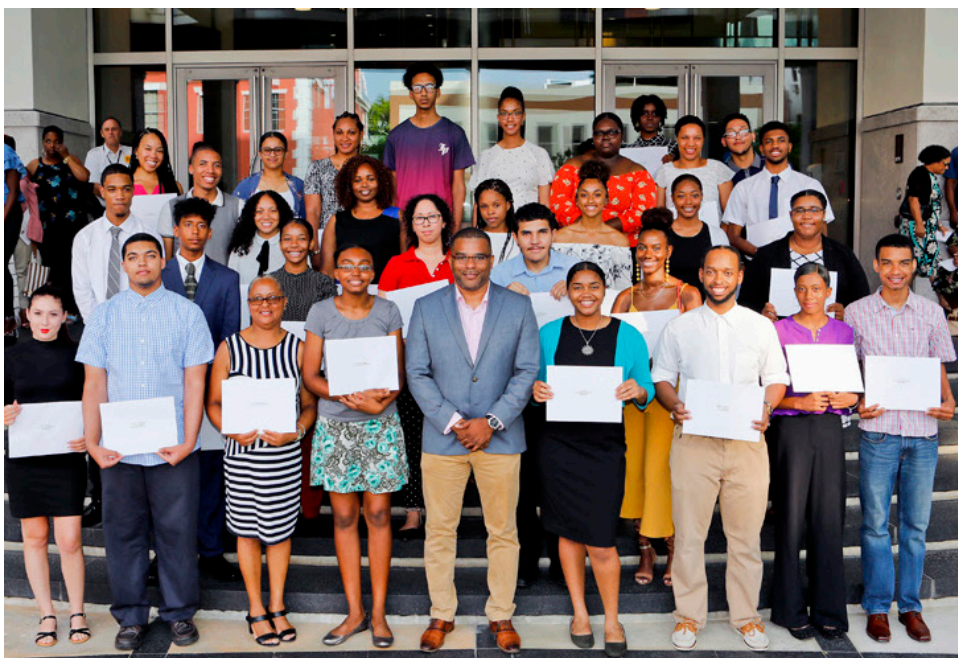
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Forty-five (45) students were recently awarded scholarships and bursaries by the Ministry of Education. According to the Ministry of Education and Workforce Development, the Hon. Diallo Rabain, who presented the awards, the PLP Government was delivering on their pledge to provide greater opportunities for Bermudians to help meet their individual education and training needs. ■

## Tribute to Herbert Eugene Bascome *(continued from page 9)*

never been one of those leaders who said, “do as I say and not as I do.” You were determined to be the best role model – whether you were Chef Herbie or Chief Shop Steward Herbie – and let me say that you have accomplished this in spades.

### Closing

I would like to end my tribute to Herbie Bascome by sharing what I think will always be my favourite memory of this great man. For years Herbie spends hundreds of hours of

his own time in the weeks leading up to Easter cutting tissue pieces & putting together kite making kits for all the children staying at the resort. He & his Son then host the kite making event in the ballroom, helping our guests get ready for the Good Friday kite flying down at the beach. It is Herbie at his best, truly a labour of love. So kind, gentle and genuinely proud to be able to share this great Bermuda tradition with others. His smile is from ear to ear revealing a man with a gentle

and compassionate sole at heart, a side to him that that his role in the Hotel (& the country for that matter) does not always permit him to show.

Herbie, you are truly a legend... an icon & someone I feel blessed to have had the opportunity to work with & get to know on many levels. On behalf of my Executive Team & all the Leadership team, thank you for all you have done for Fairmont Southampton & here's to the next 50 years! ■

## Skills Development Programme Participants in Bournemouth, England *(continued from page 8)*

grow your soft and hard skills that can be used in your future careers. You will be exposed to a different culture, mindset and skills while in Bournemouth. Like the roots of a tree during the rain - soak up all the knowledge and experience that you can”.

Col. Burch told the participants that it was no secret that the horticulture and landscape industry in

Bermuda both in the private and the public sector is always looking for qualified Bermudians who are passionate, trained, skilled and reliable to be employed in that industry. “There are a wealth of opportunities available in the horticulture and landscape industry and while it is not for everyone - you all have shown that you have an interest and desire to pursue this course and ideally you

have also found your passion which will make this an enjoyable career – not just a job,” concluded Minister Burch.

Minister Burch offered special thanks to the Department of Parks, the Garden Club of Bermuda and the Bermuda Industrial Union, and of course Brothers Roger Parris and Sam Santucci. ■

# Bermuda blazes a trail with enhanced compliance regulations for cryptocurrency and digital asset companies

## The New legislation

On 16 May 2018, Bermuda officially launched itself into the vortex of the virtual currency business world by enacting the Companies and Limited Liability Company (Official Coin Offering) Amendment Act 2018 (“the ICO Act”). The new legislation amends the Companies Act 1981 by creating specific statutory provisions designed to regulate the licensing of companies offering the public the opportunity to purchase or acquire digital assets.

The ICO Act will soon be fortified by the Companies (Initial Coin Offering) Regulations (“the ICO Regulations”) which the Minister of Finance will bring into force under section 34M of the ICO Act using the negative resolution procedure. The negative resolution procedure speeds up the implementation of the ICO Regulations. The Minister merely has to lay the Regulations before Parliament for approval. The ICO Regulations will become the law of the land unless Parliament passes a resolution opposing the Regulations – a negative resolution. It is anticipated the ICO Act and ICO Regulations will be enacted and fully operational by the end of June or early July 2018 allowing the first ICO licences to be granted in Bermuda soon thereafter.

In its drive to be the global leader in the virtual currency business industry, the Bermuda Government has also tabled before Parliament the Digital Asset Business Act 2018 (“the DAB Act”). This act is de-



signed to regulate provision of the following digital asset business to the general public: issuing, selling or redeeming virtual coins, tokens or any other form of digital asset; operating as a payment service provider business utilising digital assets which include the provision of services for the transfer of funds; operating as an electronic exchange; providing custodial wallet services; and operating as a digital asset services vendor.

The Bermuda Government anticipates the DAB Act will be passed by both Houses of Assembly and enacted into law in July of 2018. The Bermuda Monetary Authority lays the groundwork for a new regulatory environment for Virtual Currency Business

The Bermuda Monetary Authority (“the BMA”) is the integrated regulator of the financial services sector in Bermuda. The Authority supervises, regulates and inspects financial institutions operating from within the jurisdiction and also approves the incorporation and licens-

ing of companies. In April 2018, the BMA published a consultation paper entitled the Regulation of Virtual Currency Business (“the Consultation Paper”). The objective of the paper was to provide an outline for the effective regulation of service providers within the virtual currency business industry in Bermuda.

Bermuda has built its international reputation as a well-regulated financial centre based on superior standards of regulation of its insurance, reinsurance and financial services market. The challenge for the Bermuda Government and the BMA is how to attract virtual currency business to the Island while maintaining the jurisdiction’s reputation as both a practical and pristine regulatory jurisdiction. The challenge is daunting. Digital asset business crosses national borders at lightning speed and frequently experiences bouts of volatility. Most countries are yet to get a firm legislative and legal grip on the transnational impact of electronic transactions and the advent of electronic signatures in international business, let alone the plethora of issues arising out of virtual business.

In the Consultation Paper, the BMA set out its stall. In paragraph 10 of the report, the BMA expressed the following concern:

*“Where virtual currency can be used for legal purposes, the pseudo-anonymous (or anonymous) nature of transactions is well suited for a number of illegal activities. Observed activities include*

*(continue on page 13)*



*tax evasion, financing terrorism, money laundering schemes, avoiding sanctions, black market transactions, and enabling ransomware payments.”*

And in paragraph 12 of the Consultation Paper, the BMA identified the approach it would adopt creating a gold standard regulatory framework to attract the best players in the virtual currency business market.

*“Accordingly, virtual currencies present a significant challenge for regulators and regulation. In providing guidance to regulators, the FATF recommend in its June 2014 virtual currencies report that regulators, for the time being, focus efforts on convertible virtual currencies (i.e. virtual currencies that can be converted into and out of fiat currencies). The FATF assessed these as having the highest money laundering risk. Further, the FATF recommended... countries should focus their AML/CFT efforts on higher-risk convertible VCs [virtual currencies].”*

The proposed DAB Act gives the BMA the authority to issue codes of practice regulating the manner in which licensed undertakings shall carry on digital asset business. The legislation also contemplates that once enacted, every licenced undertaking shall within four months from the end of the financial year, deliver to the BMA a certificate of compliance signed by two directors certifying that to the best of their knowledge, the undertaking has complied with the minimum criteria and codes of practice. Until the

Bermuda Government enacts the DAB Act and issues codes of practice, it is difficult to assess precisely what enhanced compliance obligations will apply to digital asset business activities under the act.

### **Virtual Currency Business - The new Regulatory framework for ICOs**

It is fair to say that under the pre-virtual business regulatory regime, Bermuda adopted a meticulous standard for weeding out unscrupulous business activities. BMA policy identifies the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 as imposing a significantly detailed set of obligations on affected AML/ATF regulated institutions, including customer due diligence, record keeping, systems and staff training. The BMA also carefully scrutinises the ownership of Bermuda entities such as companies. Before a certificate of incorporation is issued and during the life of the company in Bermuda, the BMA must be satisfied that the persons who wish to own/control the entity are persons of integrity and good standing.

Under Section 4A of the ICO Act, the Minister’s consent to launch an ICO is subject to such conditions as the Minister may consider appropriate to impose. These conditions include compliance with the ICO Regulations. The ICO Regulations create a new enhanced set of compliance obligations imposed upon companies making application to the Minister of Finance for consent to launch an initial coin offering

(“ICO”).

Section 8 of the Regulations sets out the “Minimum required information regarding compliance issues”. This information must be submitted together with the application to the Minister of Finance for consent to launch an ICO.

*An application for consent shall submit the following minimum required information regarding compliance features which it items to include in its systems –*

- *description of the technical standards of software, blockchain or other technology that will be used to identify participants in the ICO;*
- *a description of the procedures or protocol that will be used to confirm the identities of the participants in the ICO; and*
- *a description of the measures that will be established to enable an audit and production of a compliance statement at the close of the Initial Coin Offering confirming compliance with these Regulations and other relevant provisions of Part IIIA of the Act.*

A company must ensure that at the time it seeks consent from the Minister and during operation of the ICO it satisfies the compliance obligations set out in Part 3 of the ICO Regulations entitled Compliance Matters. Part 3 section 9 requires a company to implement “appropriate measures”. Appropriate measures include identifying and verifying participants in the ICO from an independent source, ensuring participants are authorised to

*(continue on page 14)*

engage in the ICO and conducting enhanced due diligence whenever necessary.

Section 10 of the Regulations mandates that a company must verify the identity of a participant in the ICO before the participant is issued with a digital asset.

If a company is unable to apply appropriate measures to verify the participant or the proposed transaction(s) in an ICO, under section 11 of the Regulations, the company shall not open an account for the person, carry out a transaction or issue that person with a digital asset. The company is also required to terminate any existing business relationship with that person.

Section 12 of the Regulations go some way to creating the new standard of compliance which the BMA describes as “enhanced compliance.” The section is entitled “Enhanced due diligence” and seeks to move away from a strictly rule-based compliance regime to a system of compliance where licence holders must, in addition to adhering to the Regulations, apply a risk-sensitive approach of enhanced due diligence to business relationships with existing participants or proposed participants in its ICO. Such an approach introduces a greater degree of subjectivity in the management of compliance supervision of the business. Section 12 (2) imposes further subjective obligations on companies to assess potential risks and determine what measures must be taken to compensate for the risks. The measures can include but are not limited to the measures identified in the subsection.

Section 13 of the Regulations permit licence holders to rely upon third-party compliance professionals. However, the licence holder must obtain sufficient information to satisfy itself reliance can be placed upon the third-party professional. Also, the reliance placed upon the third-party must be appropriate given the level of risk for the jurisdiction in which the third party resides.

Finally, under Part 3 of the Regulations, section 14 creates enhanced recordkeeping obligations, and section 15 requires that a company carry out an audit through an internal compliance review concerning the conduct of its ICO and financial operations within 90 days of the close of the ICO.

The ICO Regulations, apply to limited liability exempted companies wishing to incorporate in Bermuda. In the not too distant future, the Bermuda Government will issue mirror regulations for LLC’s created in Bermuda by legislation passed in 2016 modelled on the Delaware LLC statute, with some Bermuda optional variants.

### **What has been the reaction to Bermuda’s new compliance regime?**

The Bermuda Government has extended its welcoming arms across the world to the virtual currency business industry. In March of 2018, Minister of National Security responsible for the introduction of digital asset business in Bermuda, the Hon. Wayne M. Caines attended the Montgomery Summit in Santa Monica California. In his

Ministerial Statement on the summit, he informed Bermuda that “people we spoke with were excited about the Bermuda Government’s plans in the blockchain and virtual currency sphere”.

In May 2018, the Premier of Bermuda and Minister of Finance, the Hon. E David Burt and Minister the Hon. Wayne M. Caines attended the Consensus Conference in New York City. Both ministers invited the virtual business world to set up shop in Bermuda. In one fell swoop, they convincingly dispelled concerns that time-consuming delays and government bureaucracy will impede the speed with which companies can commence operations in Bermuda. However, while making his presentation to a packed audience, the Premier in a throw-away line drew laughter from those in attendance when he cautioned would-be entrants into the Bermuda market with the following words; “We welcome all serious entrepreneurs into our island. However, if you are a bad actor, we do have prisons with splendid water views”.

The reaction to Bermuda’s new legislation and enhanced compliance environment has been positive. Companies such as Medici Ventures, LLC (a subsidiary of Overstock.com), Binance Holdings Limited, Omega One and Shyft Network Inc. have signed Memoranda of Understanding with the Bermuda Government. Significantly, in May 2018, Arbitrade Ltd. became one of the first international companies to successfully navigate the BMA enhanced compliance process for incorporation of an ex-



# 'A Healthy You'

by Nurse Beverley Howell

As our annual Cupmatch classic approaches, I was thinking about all of the Bermudians who will return home to celebrate and the tourists who will come to visit with us. I began reflecting on all the tragedies occurring around the world and how we sometimes treat each other including here in Bermuda.

Og Mandino said 'Beginning today, treat everyone you meet as if they were going to be dead by midnight. Extend to them all the care, kindness and understanding you can muster, and do it with no thought of any reward. Your life will never be the same again.'

My Pastor, Rev. Charles 'Alex' Smith had this printed in our church bulletin and this really got me thinking about spiritual health which has the potential to adversely affect physical health.

## CLOSED PIPES

Suppose you went into the rest room at the Cricket Club at Cupmatch and the commode had been used again and again without anyone flushing it. Suppose, you being a desperate brave soul flushed it. However, the drain was so clogged

that the water backed up spilling the entire mess all over the restroom floor. This is representative of a human heart that refuses to flush away its anger, resentment and bitterness. The unhealthy debris builds up and backs up until the person's life become toxic and repulsive. It will then spill into other people's lives ~ um just saying. The Bible in Ephesians 4:32 tells us to be kind and compassionate to one another, forgiving each other just as in Christ, God forgave each one of us. Colossians 3 tells us to 'rid ourselves of anger, rage, malice... and to bear with each other and forgive whatever grievances you may have against one another. Forgive as The Lord forgave you.' I wonder if someone needs a spiritual plumber. Is your heart closed with anger, bitterness, hurt feelings or an unforgiving spirit? God has forgiven you of your sins against Him through Jesus Christ. Have you extended His grace He gave you towards others? The grace God demonstrated in Jesus Christ is a plunger that can unclog the heart and clear the pipes. This Cupmatch discover the power of forgiveness and know that

when you don't forgive, you give permission for that person to hold you in bondage which can negatively affect your physical health with high blood pressure putting you at risk for stroke, heart attack, aches, pains and yes, even cancer! Consider getting your spiritual health in check this Cupmatch ~ why not make practical application of what Og Mandino said 'Beginning today, treat everyone you meet as if they were going to be dead by midnight. Extend to them all the care, kindness and understanding you can muster, and do it with no thought of any reward. Your life will never be the same again' Just try it !!! Let everyone bring you JOY ~ some bring it when they come others bring it when they leave ~ um just saying.

At Cupmatch or at the beach, Remember to drink your water, limit the mind altering substances, apply sunblock, wear light clothing, a hat to keep cool, be SAFE, be forgiving, Enjoy the game and may the best TEAM Win!! 'HAPPY CUPMATCH EVERYONE' ■

**Bermuda blazes a trail with enhanced compliance regulations for cryptocurrency and digital asset companies** *(continued from page 14)*

empted company. Arbitrade Ltd. is now a registered Bermuda company and will next seek Ministerial consent to launch an ICO offering.

## Conclusion

The clear message Bermuda received at the Consensus Conference in New York City is that the virtual currency business industry is seeking jurisdictions to commence operations which offer rigorous, effective compliance regimes to give

lifblood and credibility to the industry. Bermuda has convincingly stepped up to the plate.

Delroy Duncan is a director at Trott and Duncan limited Bermuda and part of the firms ICO Team. ■

BIU PRESENTS A PRE-LABOUR DAY GATHERING



SUNDAY, SEPTEMBER 2, 2018

SHELLY BAY BEACH

2:00 p.m. - 7:00 p.m.

**ALL BIU  
MEMBERS  
& FRIENDS  
WELCOME**

Free Food, Drinks,  
Music & more!



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Sis. Laverne Furbert  
Tel: 292-0044  
Email: lfurbert@biu.bm

**"PROGRESS TOWARDS A FAIRER BERMUDA"**



# Dr. Barbara Ball Public Health Scholarships

The Ministry of Health recently announced the awardees of the 2018 Dr. Barbara Ball Public Health Scholarships. This year there were eight (8) new recipients. The Ministry receives a large number of applications every year. The calibre of applicants is very high, making the award increasingly competitive as there are many deserving candidates.

In making the awards, the committee considers a combination of factors including academic achievement, financial need and public health priority of the professional discipline.

Scholarships are offered for study in a range of health professions that support public health, with priority given to nursing, allied health and social work.

The Minister of Health, the Hon. Kim N. Wilson JP MP said, "I am extremely proud that we can support our young people seeking careers in health professions that support public health.

"This is aligned with the spirit I believe Dr Barbara Ball would have wanted, and I know our scholars are honoured to be associated with her noble name. "We have a shortage of health professionals in Bermuda, particularly in specific areas that benefit public health, and we encourage our young people to con-

sider professions in the health sector as they are enormously fulfilling and there are a great many job opportunities."

## The 2018 new awardees are:

NAME  
AREA OF STUDY  
UNIVERSITY ATTENDING

**Patience Lowe**  
Physiotherapy  
Sheffield Hallam University

**Aljalía Julio**  
Physiotherapy  
University of Birmingham

**Dessirée Waldron**  
Nursing  
Winston Salem State University

**Shanika Cunningham**  
Nursing  
Adventist University of Health Sciences

**Britney Robinson**  
Pharmacy  
Nova Southeastern University

**Donnika Bean**  
Nursing  
Elmhurst College

**Tiontae Thomas**  
Nursing  
Hampton University

**Jennifer Ross**  
Nursing  
Georgia State University

The Ministry of Health would also like to congratulate the 2018 Graduates who benefited from the Dr Barbara Ball Public Health Scholarship to complete their studies: –

Reglindis Parker - Psychiatric Mental Health Nurse Practitioner  
Pashé Douglas-Sampson – Doctorate in Occupational Therapy

The Ministry of Health awards the Dr. Barbara Ball Public Health Scholarship annually to Bermudian students seeking careers or professional development in public health. Scholarships are awarded for a combination of academic achievement, financial need and choice of healthcare profession that would be most beneficial to public health in Bermuda. Current public health priorities are: nursing, allied health (rehabilitative therapies), social work, environmental health, post-graduate health economics, and post-graduate qualification in public health. ■

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# LABOUR DAY MARCH

COME JOIN US AS WE CONTINUE TO FIGHT FOR EQUALITY,  
FAIRNESS, RESPECT & DIGNITY FOR  
ALL WORKERS.



**MONDAY, SEPTEMBER 3, 2018**

**UNION SQUARE**  
11:00 a.m.

SPEAKERS INCLUDE:  
**LABOUR LEADERS &  
GOVERNMENT  
MINISTERS**

Entertainment immediately  
following the march.

*Please wear red*

More Info Contact  
**Sis. Laverne Furbert**  
Tel: 292-0044  
Email: [lfurbert@biu.bm](mailto:lfurbert@biu.bm)

**“PROGRESS TOWARDS A FAIR BERMUDA”**



# WHO STARTED/FOUNDED CHURCHES, GOD OR MEN?

## Look at the Historical Facts

CHURCH	YEAR STARTED	PLACE	FOUNDER
Roman Catholic	606 A.D.	Rome	Boniface III
Muslim	622	Arabia	Mohammed
Lutheran	1520	Germany	Martin Luther
Church of England	1534	England	Henry VIII
Presbyterian	1536	Switzerland	John Calvin
Congregational	1550	England	Robert Brown
Baptist	1607	Holland	John Smythe
First Baptist	1639	U.S.A.	Roger William
Church of God (Missouri Group)	1671	U.S.A.	Stephen Munford
Church of Brethren	1708	Germany	5 men/3 women
Methodist	1729	England	John Wesley
A.M.E. (Methodist)	1816	U.S.A.	Richard Allen
Latter Day Saints (Mormons)	1830	U.S.A.	Joseph Smith
Apostolic Christian Church	1932	Switzerland	S.H. Froelich
Seventh Day Adventist	1860	U.S.A.	Mr./Mrs. White et. al.
Christian Science	1865	U.S.A.	Mary B. Eddy
Jehovah's Witness	1872	U.S.A.	Charles T. Russell
Salvation Army	1878	England	William Booth
Church of God (Indiana Group)	1880	U.S.A.	D.S. Warner
Church of God in Christ	1897	U.S.A.	C.H. Mason

### Do you know the truth about the church? Take the following quiz to assess your knowledge?

True or False (✓) the correct answer (Tor F)

- T or F Abraham, a friend of God was a member of a church.
- T or F David, a man after God's own heart was a member of a church.
- T or F Elijah prayed that it not rain for 3 years and 6 months was a member of the church.
- T or F King Solomon, the wisest man who ever lived was a member of a church.
- T or F Daniel was cast in the lion's den was a member of a church.
- T or F Shadrach, Meshach and Abednego were cast into the furnace were members of a church.
- T or F Moses, the law giver, was a member of a church.
- T or F John the Baptist who baptized Jesus was a member of a church.
- T or F Churches are from God.
- T or F Sampson, the strongest man in the world was a member of a church.
- T or F Noah, who built the Ark, was a member of the church.
- T or F Jesus' mother, Mary, was a member of the church.
- T or F The apostles (Matthew, John, Paul, Peter, Andrew and Philip) were members of a church/denomination.
- T or F Jesus said, "I will be my church".
- T or F One must be in the Church to be saved.
- T or F Jesus commanded his disciples to build churches (for worship) in the New Testament.
- T or F The word church comes from the Greek word "ekklesia".
- T or F The Holy Spirit put the word "Church" in the scripture.
- T or F Jesus is the head of the Church.
- T or F One must go to church to get into heaven.
- T or F Isaiah the prophet was a member of a church.
- T or F Moses' brother Aaron, the high priest was a member of a church.

So how did you do? Brace yourself. The correct answers to all of the questions are "false". Don't be deceived.

To learn the truth about the Church, obtain our FREE articles "The Myth of the Church of the Bible", and "The non-Biblical word "Church".

# FARM

Find and circle all of the words that are hidden in the grid.  
The remaining letters spell a common farm animal.

H	A	Y	E	S	E	E	H	C	B	A	L	E	R
E	T	U	R	K	E	Y	S	H	O	R	S	E	L
N	B	E	S	O	W	I	N	G	S	E	E	D	I
R	U	C	C	F	E	N	C	E	O	E	W	S	V
E	T	F	H	U	W	H	S	W	N	D	E	R	E
M	T	I	E	H	D	U	G	A	O	L	L	E	S
R	E	C	E	R	O	O	V	U	B	L	L	T	T
A	R	A	N	H	T	R	R	A	O	H	P	S	O
F	T	T	B	I	E	I	T	P	A	R	H	O	C
C	D	A	R	H	A	S	L	R	P	A	T	O	K
S	R	A	T	A	L	R	V	I	R	W	G	R	L
N	E	A	I	I	C	E	G	R	Z	O	O	K	I
E	E	E	O	R	S	T	O	M	A	E	R	C	M
W	N	S	D	T	Y	W	O	T	S	N	R	O	C
E	R	U	T	S	A	P	S	R	W	E	E	D	S

BALER	FARMER	HOUSE	SOWING SEED
BARN	FENCE	LIVESTOCK	STABLES
BUTTER	FERTILIZER	MILK	TRACTOR
CAT	GOATS	PASTURE	TROUGH
CHEESE	GRAIN	PIG	TURKEYS
CORN	HARROW	PLOW	WEATHERVANE
COW	HARVEST	PRODUCE	WEEDS
CREAM	HAY	ROOSTER	WELL
DAIRY	HEN	SEEDS	WHEAT
DOG	HORSE	SOIL	

SOLUTIONS ON PAGE 2