



Premier of Bermuda

20 August 2021

Mr. Chris Furbert, JP
President, Bermuda Industrial Union
49 Union Square
Hamilton HM12

Dear Brother Chris,

I have received your letter of 19th August. I confess that I am disappointed in its contents on two fronts. Firstly, that it is based on a false premise which I have taken the time to explain to both the General Council and you on several occasions, most recently just this week. Secondly, the very personal nature of this attack confirms to me that this has very little to do with the legislation and far more to do with internal politics of the Bermuda Progressive Labour Party. Using such a false premise in this way does a disservice to our respective organizations whose common history is a roll call of advancement for the workers of this country.

I respect the Bermuda Industrial Union, the Labour movement and you personally and it is because of this that I set out in this response some of the very same history and context which I have previously shared.

In March 1998 the Trade Union Amendment Act was passed by the House of Assembly. This amendment to the Trade Union Act of 1965 created a legal process for certification of a union in a workplace, and the process for cancelling that certification. Although the bill received Assent in October 1998, it was never brought into force by the then UBP Government.

The first PLP Cabinet did not introduce an amendment to exclude non-union members from voting on a cancellation of certification ballot. In 2000, that same Cabinet, led by Dame Jennifer Smith as Premier, with Dame Lois Browne-Evans as the Attorney General, and the Honourable Paula Cox as Minister of Labour brought into effect the Trade Union Amendment Act as it was passed in the House of Assembly in 1998. The Government did not move to exclude the rights of any workers, who had funds deducted from their pay, to vote in a ballot for the cancellation of the certification of a union. 21 years later this principle is unchanged by the new law and in those 21 years, through many PLP Ministers of Labour - including a former president of the Bermuda Industrial Union, has never been challenged.

I am satisfied that the reason for successive Governments not amending this provision is based on the Bermuda Constitution and the requirement not to deprive any worker, who has fees deducted from their wages, of a say in by whom or how they are represented. Let me be clear, even while respecting this constitutional provision, this Government has done more to strengthen the position of the Bermuda Industrial Union and those it represents with these new laws in a clear and codified demonstration of our common interests and bond. You said it yourself that you agree with all of the parts of the bill except one, the provision which is exactly the same as it was 21 years ago.

It is also important to note that the protections against the cancellation of certification of a union are strong. For instance **only** people who are union members, or who once were union members can call for the cancellation of certification of the union - and those people need to represent 35% of the workplace.

It's also vital to note that unless an agency shop agreement is in place, **only union members can vote** for who represents them in the workplace. However if the workers are having fees deducted from their wages, then all workers who are paying fees to the union should be able to vote for who represents them. This was the same in the old act brought into force in May 2000 under Attorney General Dame Lois Browne-Evans, and is the same in the new act that was brought into force in June 2021 by Minister Jason Hayward. There has been no change in this provision, and the repeated suggestion that there has been a change is wholly disingenuous.

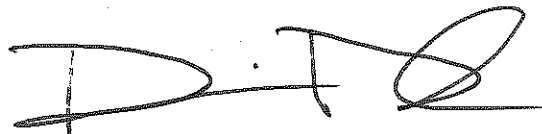
I trust the foregoing again clarifies these issues and puts an end to the offensive suggestion that this Government has done anything to weaken or otherwise harm the Bermuda Industrial Union.

Mr. President, I am a young man whose experience in leadership has been forged in the fire of economic distress, a global pandemic and a tenure devoted to delivering on the transformational change promised to the people of Bermuda. My leadership has been strengthened by often open and unvarnished criticism and I have embraced the growth opportunity this has presented. Through all of this I have never been in any doubt that it is the people I serve and that I am privileged to be the current steward of the legacy of women and men inextricably linked to the Labour movement. I am joined in this work by a committed and hardworking team of ministers and MPs, Branch chairs and Party workers who invariably are members of both the organizations we lead. They are as clear as I am: that the PLP and BIU are still inextricably linked and that no matter the current state of our relationship our hearts are united in a common cause.

The right of working people to withdraw their Labour as a means by which to demonstrate the seriousness of any issue is unassailable. I support it. In my view however, this is not one of those issues. A law that mirrors the exact provisions as the law brought into force in 2000 by the first PLP Government, and that has been unchanged in 21 years, is not a reason to withdraw labour. And, I am saddened that the Bermuda Industrial Union General Council under your leadership would use this manufactured issue as a pretext to launch a political attack on myself and the Minister of Labour - young men who have answered the call of leadership.

Mr. President, on your election to the presidency of the Bermuda Industrial Union you told the brothers and sisters then assembled that “we must breathe some new life into the BIU...”. It is my hope that you, the BIU General Council, and the membership of the BIU will join with this PLP Government as we do our utmost to breathe new life into Bermuda by rebuilding this economy to benefit the workers of this country.

Yours in brotherhood,

A handwritten signature in black ink, appearing to read 'D. G. Burt', with a stylized flourish at the end.

E. David G. Burt, JP, MP

Premier