

STATEMENT TO PARLIAMENT

**Hon. Karl Samuda, OJ, CD, MP,
Minister of Labour and Social Security
on the**

**EFFECT OF THE RECENT DECISION OF THE SUPREME COURT
CONCERNING NHT CONTRIBUTIONS OF SECURITY GUARDS GOVERNED
BY THE PRIVATE SECURITY REGULATION AUTHORITY ACT.**

April 19, 2023

Madam Speaker, I wish today to address the current controversy that has arisen as a result of the recent ruling of the Supreme Court on the employment status of Security Guards.

Some of the comments appear to be calling into question the role and function of the Ministry of Labour, and the Minister with whom portfolio responsibility lies. The comments are well intentioned.

The fact is that the court has determined that all Security Guards are employees and not Independent Contractors. This, **Madam Speaker**, is a matter that has been debated for many years, in fact, the issue has existed for over 30 years.

I empathize with the concerns of the Security Guards. Many are understandably concerned about how the new arrangements will affect not only their job security, but how they will impact considerations for the years of service already given. Bear in mind, **Madam Speaker**, that many have been working for periods of 10, 20 years, or more.

Madam Speaker, since late last year the matter relating to the rights and benefits of Security Guards has come into sharp focus in this Parliament and in the general public.

Let me explain the process. If a Security Guard believes he/she has been denied any worker-related benefits, that Guard can attend one of the Ministry's offices island-wide to

lodge a complaint or seek guidance, in fact, we have on record
88 Security Guards who chose to lodge formal complaints.

The reality is, **Madam Speaker**, following the Supreme Court's ruling, several Guards have attended the Ministry's offices since March 2023 to seek guidance on whether or not they should sign new Employment Contracts. The complaints relate primarily to their previous years of service, Vacation Leave.

Madam Speaker, there are approximately 25,000 Security Guards employed in the country at this time. The fact is that, in spite of the concerns, 85% of them have already signed their Employment Contracts.

Madam Speaker, I must inform this Parliament that all complaints lodged by Security Guards are being processed for amicable resolutions, as is done for all workers.

In relation to the new Employment Contracts, ***all Security Guards are Workers, and are therefore to be guaranteed Vacation Leave, Sick Leave, Overtime, Maternity Leave where applicable, and all minimum standards for decent work in Jamaica.***

I emphatically state that any agreement that is in breach of these Labour Standards should be brought before this Ministry, for immediate intervention.

What is happening currently, is that there is talk broadly about the rights of Security Guards being violated. However **there are no concrete reports presented to the Ministry outlining the rights that have been violated.**

As Minister, I have seen a few of the contracts and recognize that the real issue is related to the lack of specific transitional arrangements. I would like to inform this Parliament that ***all entities that provide security services must ensure that the Guards have Employment Contracts.***

Madam Speaker, under the current circumstances I think it would be useful to make a brief historical reflection on the relationship between successive administrations and the Labour Unions.

Madam Speaker, the Political Parties that have formed governments in Jamaica since Independence are inextricably linked to the Labour Unions of this country. In the case of the governing Party, the connection is of an umbilical nature, which has manifested itself in legislation including the Minimum Wage Act the Maternity Leave Act the Employment (Equal Pay for Men and Women) Act and the Employment (Termination and Redundancy Payments) Act.

I wish to point out the groundbreaking initiative which was introduced by the JLP administration in 1964, that took

Workers' Rights and protection to the next level, moving from employment security to Social Security. This was done through the introduction of a compulsory **National Insurance Scheme**; arguably one of the most significant systems to protect the working people of this country in invalidity and retirement.

I will also remind you, **Madam Speaker**, that it was our first Minister of Labour, the late Hon. Lynden Newland, one of the founders of the Jamaica Labour Party, who was responsible for the introduction of the National Insurance Scheme under the National Insurance Act. The NIS that is regarded as a critical element of our Social Protection systems was at one time referred to as SIN by the then Opposition. **Madam Speaker**, we have truly come a far way.

This brief history would not be complete if recognition was not given to the employers and Unions that worked closely with several administrations to achieve a relatively stable

industrial climate whilst at the same time improving and adding value to the lives of workers.

The question is whether we are sympathetic to the plight of workers?

Yes, we definitely are. It was Sir Alexander Bustamante that was the founder of the first Union in this country, so no-one has to lecture me or this Government about protecting workers.

On a personal note, Madam Speaker, I have worked in Canada, as a young student, in the areas of construction, manufacturing and transport in order to earn enough money to finance my education. I know first-hand the plight of workers and I will never discount the views of workers, so nobody has to tell me about the value of hard work, and respect for workers.

Madam Speaker, I have pointed out the foregoing to demonstrate that, as regards workers' rights and protection, this administration, our government, has a long history, of which we can be justly proud.

Madam Speaker, I will be personally meeting with the Security Guards and companies to discuss their concerns and assist the parties to resolve the matters affecting them.

Madam Speaker, I have gone further to ensure better regulation of the Industrial Security Sector by appointing a committee, led by Mrs. Helene Davis-Whyte, to establish a Joint Industrial Council for the regulation of the industry and protection of the Security Guards.

I am sure the advisors to the other side will agree with this move, and I invite my good friends from across the floor and their representatives of Labour to join the series of Town Hall Meetings which are being planned to ensure that our people have all the relevant information, and where all views can contend as we sit together to arrive at workable solutions.

Colleagues, this Ministry will assure that the rights of Security Guards and their employers are protected, and reaffirms its commitment to promoting decent work for all.