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**PRIME MINISTER OF SINT MAARTEN**  
Minister-President van Sint Maarten

Philipsburg, February 2, 2021

The President of the parliament of Sint Maarten  
Mr. Rolando Brison  
Wilhelminastraat #1  
Philipsburg, Sint Maarten

**Subject: Presenting the Note following the Final Report of Parliament on the Temporary National Ordinance Covid-19 cuts employment conditions for civil servants.**


DIV# 11253

Honorable President of Parliament,

Please find attached the note following the final report on the above-mentioned draft temporary ordinance.

I trust to have informed you sufficiently.

Sincerely,

  
Silveria E. Jacobs  
Prime Minister of Sint Maarten  
Minister of General Affairs





## GOVERNMENT OF SINT MAARTEN

Prime Minister and Minister of Finance of Sint Maarten

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January 26<sup>th</sup> 2021

### NOTE FOLLOWING THE FINAL REPORT

Parliament in its meeting of the Central Committee has exchanged views with the Government on the Draft National Ordinance on the Temporary National Ordinance Covid-19 cuts employment conditions for civil servants.

Parliament considers the present draft to be sufficiently prepared if the questions asked below are answered in time for the public meeting so that the draft can be discussed in a public meeting.

In order for Parliament to consider the present draft to be sufficiently prepared, so that the draft can be discussed in a public meeting, Parliament is hereby provided with the answers to the questions stated in its final report.

The text of the questions as stated in the final report is expressed in black, while the text of the answers are provided in blue and brown.

### **Questions for PM**

#### **MP Buncamper**

1. The CCSU and Government must come to an agreement to change the LMA as it stipulated in the LMA. Was the CCSU truly consulted as it seems that meetings are being held with many people but it's not clear to me if it's the CCSU or the Unions? Please explain whom the meetings were with?

**ANSWER:** The LMA was amended in 2017 and instituted the current structure for consultation of the Committee of Civil Service Unions. Only unions can become members of this committee.

The discussions commenced on May 7, 2020, when the Council of Ministers held a CoM third party meeting with the CCSU membership at the time, WITU and WICSU/PSU, who brought their "toehoorders" ABVO and NAPB along to receive the information. On May 13, 2020, the first Consultative meeting regarding the Cost Cutting Measures was held where the CCSU membership provided a counter-proposal to the proposal of Government. Which led to the infamous Consultative meeting of May 28, 2020.

Honorable Member of Parliament, it should be noted that during these Consultative meetings regarding the Cost Cutting Measures affecting civil servants, the CCSU platform has been utilized and as such all members of the CCSU (WITU/ WICSU-PSU) were informed as well as their “toehoorders” (ABVO/ NAPB).

In July and August several attempts were made to engage CCSU in a workgroup setting to negotiate further. CCSU refused. They filed a complaint at the Ombudsman and stated they will not meet on the subject until several unrelated other matters were dealt with to their satisfaction. Despite being restricted from meeting with the CCSU membership, we did meet with the WICLU and as Minister of General Affairs responsible for personnel, I felt it important to have virtual informative sessions with the civil servants.

One such meeting was held on November 6<sup>th</sup>, where we were able to show the breakdown of the proposed cuts that we were getting agreement on with the CFT, we showed on slides also that salaries were not being cut and showed the efforts of the Finance ministry to cut secondary and tertiary conditions. We also explained the breakdown in communication between government and the union and that we remain committed to repair that relationship. They also got the opportunity to ask questions and clarification of what was presented. At the end, there was gratitude for the effort made to explain what was taking place and noted understanding for the position we find ourselves in as a country without the necessary reserves to absorb these turbulent economic times.

A second informative session was held last week, to update our personnel of the laws being brought to parliament and how the measures would affect them in 2021 and until the law is revoked should it be passed and enacted. This meeting also saw participation of many civil servants who asked questions and received responses. Many civil servants who joined the meeting, once again, showed gratitude for the mode of sharing info and look forward to this open communication continuing. Government will continue to meet with our personnel every other month in Microsoft teams.

2. Timelines for approval as laid down in our national ordinances. 112L LMA, the overriding authority of the LMA, Government should have informed the CCSU. **ANSWER:** When it comes to the right of advice, the CCSU has a specified 6 weeks' time. For subjects that require consent, like this, there is no timeline.

Government did inform the CCSU of its intentions. Government tried to involve CCSU in the stage where we still could negotiate with CFT about the final package. There were a limited number of benefits we could use to cut, in order to reach to the required 12.5%. So, we wanted to hear from CCSU what their preferences were and made every attempt to do so.

3. Why weren't the stakeholders informed of the overriding authority for the laws to be approved? **ANSWER:** The overriding authority is taken up in the laws governing the platform of the CCSU, the members are well aware of this provision or at least should be and if they are not the secretariat should be advising them on this matter. The fact remains that when the discussions started to deteriorate and considering the deadlines that had to be met for the conditions for the 2nd tranche, the Government informed the CCSU that government may need to use its right to proceed with the process. This was also mentioned during the



hearing of the Ombudsman as it relates to the Complaint issued by the CCSU membership. Therefor knowing the experience of the members of the CCSU, and their years of service in unionism, the honorable MP can rest assured that the unions were fully aware.

4. Did the CCSU write an objection letter to the Ombudsman and why so, as I believe the unions should have filed this objection if they feel they are being obstructed in their work to represent their members. Did the government obstruct them as I cannot believe everyone is telling the full truth? The stories are nearly opposing **ANSWER:** Thank you for the Statement MP, as we also thought it was strange and brought this up during the hearing with the Ombudsman. I think that is a question maybe better addressed by the unions and the CCSU. The Ombudsman did however, agree that the CCSU should utilize the CCSU platform to ensure the negotiations with the Government are done in accordance with the LMA Chapter 10A.

With regards to your second question, Government did not obstruct the Unions/CCSU as I have stated previously, we had tried to bring them on from the onset however discussions did not progress as we had hoped, and we had to move ahead with the process. The Ombudsman noted that the subsequent objections did not form part of the complaint filed by the CCSU, and advised both parties to revert back to the negotiations on the CCSU Platform.

The Ombudsman rendered her Preliminary Findings Report on December 22, 2020 on the matter. Once this has been finalized, I would be more than willing to share this with the Honorable Members of Parliament for review.

5. There are timelines in the law for objections on how negotiations are to be held and how approval is to be gotten. I hope we worked along those timelines to ensure we followed the laws as laid done in our own national ordinances. Was the LMA version 2017-chapter XA articles 112 A to L relevant to these timelines and agreements followed? **ANSWER:** Indeed, under normal circumstances these timelines are to be followed however as I have stated previously, because of how the discussions developed it was not feasible to follow the normal procedure.
6. Overriding authority in the LMA version 2017 was used by the government but they should have formally informed the CCSU or the Unions and to my understanding this wasn't done. Also, they must indicate why it was used other than the unions indicated they will not work along with government. Why weren't the stakeholders informed of the usage of the overriding authority and if so can we get that letter and the reasons used?

**ANSWER:** I have answered this question above, and the letter showing correspondence has been sent. On September 30 2020, a 'kamerbrief' with supporting documents as well as a timeline was sent to the Honorable Members of Parliament regarding the discussions with the CCSU and Government.

7. It's remarkable that in May 2020 these discussions were ongoing and issues like pension age and AOV age were prevalent problems, but these laws were passed by parliament. To state

that the Prime Minister had the right to use the overriding authority as stipulated in article 112f in this regard is strange to say the least. The elucidation is very vague on any meetings after May 2020. We are today some 8 months further and no meetings were held seemingly as I cannot find that documented in the elucidation. This shows me that while the CFT only decided in December 2020 that the cuts were acceptable I believe the Unions should have been called in for a meeting and not just inform their members. These actions only cause bad blood between the partners. Have the unions been formally informed what cuts have been proposed for the 12,5%?

**ANSWER:** MP, I do not agree with this assessment as stated previously we have tried to the engage the Unions and the CCSU and had various meetings and letter correspondence. Based on the minutes of the Meeting held on May 28, 2020, the CCSU membership and Government were aware of the 12,5% proposed cuts.

Government and the members of the CCSU were given the opportunity to vote on the proposal of Government and that of the CCSU membership in order to ensure all proposals were discussed and duly recorded to avoid misconception.

As was done during the Consultative meeting of May 28th, the position of the Commission was determined by a simple majority vote of the trade unions and the Minister of General Affairs admitted to the consultation. Each trade union had one vote. The LMA further regulates, in the event of a tied vote or in the event of temporary inactivity on the part of the Commission, as well as in the event of deviation from the consent requirement referred to in section 112h, paragraph 1, in the public interest, the Minister of General Affairs shall decide.

#### **Additional proposal:**

- The Minister of Finance proposed that if liquidity permits, the vacation allowance could be reimbursed up to 25% each year until the full amount is paid off.

Both unions agreed to discuss this proposal with their members.

#### **Agreements:**

- The Minister of Finance will submit an updated proposal including the proposal related to the reimbursement of the vacation allowance and the poverty line study on Friday 29th of May by 12:00 pm. Line to point 3 (reimbursement)
- The unions would provide an answer on the additional proposal related to the reimbursement to the Council of Minister through the CCSU by Monday June 1st by 12:00 pm. This was done, on June 1, 2020.
- The Council of Ministers and the Unions will refrain from having any communication with the media until consensus has been reached on the proposed cost cutting measures. This agreement was breached by the Unions on May 30, 2020, when the unions issued a press release discussing our agreements and the pending response to be given as it relates to the reduction of the vacation allowance.

Government has always been open to discussions with the CCSU. Government is also aware that the CCSU is the official internal platform to discuss decisions concerning the legal position of the civil servants. The Government has since May 28th, 2020 expressed their willingness to discuss the proposed draft covenant, to discuss the agenda on the way forward to amicably come to an agreement on the proposed cost cutting measures.

8. The government finds that the EVRM (European Agreement on Human Rights) wasn't unjustly infringed upon when agreeing to the salary package cuts, seeing the situation we find ourselves in. What was this based on exactly? Was the only consideration money?  
**When I read the elucidation to the law it's clear that the government made the urgent need of the liquidity support the adequate basis for a legal basis in the general interest of the country and fair balance to contradict any possible interference of the European Law on Human Rights.**

**ANSWER:** As mentioned before, Sint Maarten is negatively affected by the global Covid-19 pandemic, we agreed to these conditions to fight against the negative consequences the pandemic has on our health, economy, private lives etc.

9. Mr. Chairman the EVRM talk very specifically of "FAIR BALANCE". How did the government derive that "fair play" was being used by the Dutch Government who is tied to this treaty when the same Prime Minister was talking about the manner in which the conditions are being forced upon us and that it's not fair to the country? Clearly the statement known to us all "Wie betaald, bepaald" is simply put like this in my humble opinion; **Money talks and people human rights are out the window!**

**ANSWER:** I stand behind my statements that the process to get to where we are now was not fair. I have outlined this in my opening statements, the fact remains however that although we have grave concerns about how this conditions were applied the government had to choose to allow these unfair conditions to be able to pay your salary MP that of your support staff, that of all civil servants, not just for them but for their families your families, so that they can still have buying power, so that the economy does not collapse we have to endure this now so that people can have a livelihood, that is what it is and we can try and spin it as we please but this government still stands behind that decision.

10. Did the change of article 6 of the LMA have the support of the CCSU as that isn't one in the general interest of the country, but one that effects the government workers for the rest of their lives even when the temporary law stops to exist? **So, I can find myself in the temporary aspect but not in the permanent aspect and the CCSU didn't agree to that.**

**ANSWER:** Under normal circumstances any regulation or policy that affects the legal position of civil servants would be sent to the CCSU/ GOA however as was outlined previously these were special circumstances and although government indeed tried to follow the normal procedure the position or the stance of the CCSU prevented for the normal procedure to be followed.

11. **When the general interest trumps personal interest this must be looked at carefully. Was the general interest truly above that of our social partners, the unions? ANSWER:** This is always weighed on a case-by-case basis and in this case the general interest of the

people and being able to secure basic salaries outweighed the need to follow the normal process and be delayed by the impasse that had occurred with the unions.

12. The cost cutting or salary cuts build up in the laws on the various personnel, political office holder and semi government entities, **needs** to be approved by the CFT and then the go ahead for release of funds would be done by the Kingdom Council of Ministers in accordance to the statements and actions of State Secretary Knops and PM Rutte. The CFT finally gave their approval to the cost build up cuts in mid-December and then that was conveyed to the Kingdom Council of Ministers. These cost cuts build up imbedded in the law has the following consequences in my opinion:

a. It's for an **undefined time** which in my opinion is illegal and because it's anchored in a temporary national ordinance that had an urgency need, which would have excluded the Ombudsman for their review as stipulated by law. Thank god there's a sense of reasoning and understanding that we should NOT exclude our checks and balances because of needs of others. Is not defining a timeframe in a temporary law a normal something and considered a **fair balance** by government? I feel we are intentionally hurting/punishing our people for some money? I say intentionally as the Dutch haven't done this to no one in the Netherlands or BES. A way of breaking the population.

**ANSWER:** We made the temporary laws valid until further notice in line with the wording of the conditions so that it would not be perceived that we were not adhering to or to cause any confusion.

b. If we can wait 10 plus years for the dispute regulation I'm sure Holland can wait until we have done our review properly of the law to decide where we going from here. The Ombudsman and the SER are well equipped to deal with inconsistencies of new proposed national ordinances and their effects on our country. Will the LOCAL LAWS be adhered to in a temporary local National ordinance or not?

**ANSWER:** Yes, they will.

c. The salaries will not increase with yearly increments or indexation for an undefined period as per the proposed "Temporary National ordinance Corona-19 cost cutting measures of the employment conditions of government employees", as per LMA or CLA placing an immediate stop to your pension growth and overall financial growth. This in itself is irresponsible to all concerned and in my opinion against the LMA National Ordinance and/or ILO regulations if not mutually agreed upon. What's the government's position regarding the ILO regulations on such?

**ANSWER:** I believed this is the same question MP Emmanuel had about the protocols which we answered already. Also, I need to clarify that Pension benefits are secure as a result of how the cuts were applied to secondary and tertiary benefits and not on the primary so your bruto salary is not affected!

13. When I read the advice of the Council of Advice on this law there are many questions and remarks made like;

d. are we really meeting the so-called norms set because of a lack of a real financial picture? Can we get those calculations to ensure we don't have an issue later?

ANSWER: The draft ordinance that was sent to the Council of Advice and to Parliament was missing the financial explanations. Therefore the Government retracted this draft ordinance and submitted a new draft ordinance including the calculations as explained in the overview given on pages 4, 5, 6 and 7 of the explanatory memorandum.

- e. Was a real weighing off done to use the so-called overriding authority the council asked? I would like to know how that was done other than we aren't talking to each other. **ANSWER: I believe we answered this question already**
- f. Even the council cannot deduct who the government really held consultations with; the council of unions or the CCSY (formally GOA). It needs to be very clear who is representing the government employees as described in the law. Can we know who the discussions were with exactly and whom they represented? **ANSWER: I believe we answered this question already**
- g. Not clear was if the SER was heard while all the grounds for that council to be heard are there. Seeing the laws aren't of an urgent status anymore will we allow the SER to review the laws? **ANSWER: I believe we answered this question already**
- h. While I know that CFT agreed to the way the deductions have been achieved, and the law indicate that they agreed to such and the request was to ensure its placed in the law was also adhered to, I have the following question: What's the legal basis other than the Dutch Government stating that the CFT must approve the cost cutting measures for the country when I believe it's not part of the RFT law regulating their task? **ANSWER: Cft does not have the right to tell us where we should cut and where not. However, Cft advises the RMR. The dispute we had about this with Cft was submitted by us to the Ministry of the Interior and Kingdom Relations for rectification, but the Ministry of the Interior and Kingdom Relations confirmed the recommended course.**
- i. The retroactive aspect of the law is also being questioned on two different points and with good reason seeing the validity and achievability of such. Is the government planning to address that and not do any retroactive anymore or leave it as is? **ANSWER: I believe this was also already answered in the nader rapport, the conditions for retroactive enactment were met and the issue of the Ombudsman has been rectified.**

14. **If the SER gives a negative advice how will we adjust that laws? How will their input be used in the laws if they come in a month for now? How do we use the comments of the SER, because they represent the Unions, business entities, How will the SER advice be used? Need to understand, while the SER now be granted the doc. how will their input be used on these laws?**

**ANSWER: The laws will be forwarded to the SER for their feedback once approved in Parliament, their advice can be taken along to be handled once the 6 weeks have passed and will be information that can also be used if necessary to amend the law.**

Mr. Chairman when you look at the build up of the 12,5% Mr. Chairman we have taken out allot of possible overtime from the budget. I understand the reasoning but I ask why wasn't the government allowed to use vacation days to the tune of 4% instead of only 1.2%. 1.2% is valued at Naf 1.3 million so we can state that 4% would of valued of about Naf 4.3 million.



Why was this denied Mr. Chairman? Where is this overtime being taken? Is it that we will cut seriously overtime for the police, overtime is a structural item of,.....

ANSWER: On October 30, 2020 there was a meeting with the Prime Minister, the Minister of Finance and the Cft, during which our proposal to use vacation days was denied and Sint Maarten was told that Aruba did not use any vacation days and that for Curacao, it was being allowed to use 1.2%, and as such Sint Maarten would be also allowed to use vacation days to cover maximum a reduction of 1.2% of the employment conditions. The organization has communicated that the compensation for overtime must be reduced before the draft national ordinances come into effect. The amount that will be spent less on overtime as a result has yet to be identified and depending on this, it will be decided whether further catch-up should take place or not.

15. **PM said, that the budget 2021, is a big problem, because all the vacancies to be filled can't be covered. Where is CFT deriving its authority in the law - this is something that can be advised on by the CFT?** ANSWER: I believe this was also already answered.
16. Mr. Chairman with all the cuts being pushed in a certain direction by the CFT and the soon coming new higher taxes and less working hours, do you believe we should continue going for all this seeing they sending us don the poverty line? ANSWER: I think this is more a question for Finance, however we continue to monitor this and present to our counterparts our local context and circumstance so that is not the direction we end up going down. It should also be considered that the reforms in the country packages it to make Government more resilient so that we can grow a stronger economy so that in the future we can have discussions about raising the minimum wage the fact is that currently we cannot have those discussions because of our financial situation.
17. Article 112f was used to hold meeting with the WICLU where 2 unions agreed to the vacation cuts. Who were those unions and can we get those documents for review? **The consultation of the Gov with the Unions, I need to understand who these unions were and where the documents, word of mouth are is not an agreement, there is a process to reach an agreements, with the signature.**  
ANSWER: This question was answered already. Though noteworthy to mention, Government is obligated to meet with the unions representing the Civil servants, which are WICSU-PSU and WITU at the time of the discussions, the only members of the CCSU. WICLU is the umbrella organization representing both civil service, semi public and private sector employees.
18. Who was the chair person and deputy chairperson of CCSU during these discussions as we now have a new chairperson and why were they moved?  
ANSWER: According to the National decree for the term for 2018 to 2020 the chairperson was Ms. Jessica Weeks and Mrs. Suenah Laville-Martis was the deputy chair. During that time a request for an adjustment of the LB to strengthen the secretariat with two more persons a new deputy chair Ms. Sharon Cangietier and a Deputy Secretary Ms Nicole Maccow was submitted but not finalized by the previous Government.

At the end of May the Chairperson submitted a request of extraordinary leave of absence because of their position in the Cabinet of the Prime Minister and the meetings were preceded over by the (proposed) Deputy Chair moving forward, Ms. Sharon Cangierter. Once this was brought to my attention, the department of P&O assisted in drafting National Decrees to finalize the process of appointing Ms. Cangierter and Ms. Maccow as members.

The Consultation meetings as well as the Committee meetings are chaired by an independent chair. The chairperson has no voting rights and does not operate on instructions of the Minister or any union. The Minister of General Affairs appoints, suspends or dismisses, the chairman and deputy chairman, after consultation with the Commission, by ministerial decree.

Due to the fact that the proposed deputy chair, is a member of the WICSU since 1997, this is in conflict with article 112j paragraph 1 LMA. As such, a decision was taken to appoint and dismiss Ms. Cangierter as deputy chair of the CCSU on September 2, 2020, by way of a Ministerial Decree.

19. Why haven't any meetings been held with the unions since May 2020 to try and find common ground? **ANSWER:** This is incorrect as I have outlined before.
20. Article 6 of the explanatory notes doesn't really indicate when it ends as it's not tied to the end date of the temporary law. Why is that? **ANSWER:** It is actually not needed to state the temporary nature of any of the articles since the ordinance itself is of a temporary nature. All measures end once the ordinance is revoked.
21. Article 9 was to be adjusted but it's not stated in the explanatory notes what's been added or adjusted. Can we get some clarity? **ANSWER:** in the version shared with the Council had mistakenly two article 9 this was corrected in the version to parliament. The error was correct and needs no more elucidation than that all the legislative technical comments made by the Council were taken over.

## **MP- SWW**

1. ***12.5% of the total employment package, effective 1-7-2020: how will the reduction in vacation work if already taken? Same goes for the reduction in overtime allowance. Were these measures already in effect?***

**ANSWER:** The accrued vacation allowance as of 1 July 2020 will not be continued once the draft ordinance has entered into effect.

In addition, after the draft ordinance has come into effect, we will deduct vacation days equal to 1.2% of the employment conditions package. If it is the case that no vacation days are left from 2020, the vacation days for 2021 will be used for this.

In the year 2020, Sint Maarten has not paid half of the vacation allowance already accrued. Part of these unpaid vacation allowances will be used to catch up with the measures that should have been implemented by 1 July 2020. For the calendar year 2021, freezing the so-called increments within the scales contributes for 1.7% towards the 12.5% reduction of the employment packages. However, as these increments are awarded as of January 1 of the year,

0.85% of the 2019/2020 vacation allowance will be used to fill in the freezing portion of the increments for the period from July 1, 2020 to December 31, 2020.

The organization has communicated that the compensation for overtime must be reduced before the draft national ordinances come into effect. The amount that will be spent less on overtime as a result has yet to be identified and depending on this, it will be decided whether further catch-up should take place or not.

2. Is there any formal CFT's standpoint regarding these measures or only RMR's approval of the second tranche as proof of CFT's consent?

**ANSWER:** Cft advises RMR and their advice is, their advice has been followed seamlessly to date

3. Has it been communicated by RMR what amount the budget deficit for 2020 can be established at? What has the deficit of the amended budget been calculated at?

**ANSWER:** The deficit 2020 is budgeted at 274 million. RMR has decided before that the deficit, for the time being (voor alsnog) should not exceed NAF 185,5 + 31 = 216,5 mln. This ceiling was based on an estimation that the crises would have a time window of about 3 months and economy would pick up after. At the time art 11 was produced we already had more pessimistic estimations about the recovery and we had to tweak the budget to a higher deficit (ultimately NAF 274). In their art 11 advice Cft advised that the deficit in the budget needs an adequate explanation in case more monies would be needed.

4. If there are no policy/guidelines for consultants, except for the pending "Jacobs" norm, how are consultants compensated? What/who does the government consider consultancy/a consultant? **ANSWER:** This needs further elucidation. In our definition, consultants are any external professional which are being hired on the basis of a contract to provide services for Government. Most of the times the contract is with a company. This measure calls for a fixed price for the hiring of these services. Since this is not regulated yet, it needs to be regulated for the future.

5. Who of the "dienstverleners" as provided on the list of dienstverleningsovereenkomsten/budget 2020 does the government consider consultants and what is the price tag? MINFIN- **ANSWER:** please see previous answer

6. What is the reason for abandoning government's initial position of partially excluding art 26 of the LMA from the temporary nature of the law? Namely the part regarding improving article 26. **ANSWER:** Initially the idea was that the rewritten article 26 would be a permanent change and only the change of percentages temporary. The Council of Advice pointed out that it is not possible to institute a permanent change with a temporary ordinance.

7. The government has chosen to nullify the application of this ordinance by national decree. Please explain better what the government has in mind. What circumstances could lead to nullification of this law? What guarantees the temporary nature? **ANSWER:** This question has been provided already, the Government aims is to become financially independent from the Netherlands, thereby carrying its own budget plus the necessary reserves. At such a point the Government would consider revoking these temporary the ordinances.

8. Is it not misleading for the government to state that improved economic conditions could trigger annulment of these temporary measures, when the soon to be implemented country package speaks of even further “versoberingen” and cuts in salaries and benefits? **ANSWER:** These measures still have to be discussed internal to see where they fall in line with our priorities the fact is that Government wanted to administer its own “versobering” measures and would be inclined to do so still. What we feel should be and remain of a temporary nature is the cuts imposed by the Netherlands which has not taken into account our local context or circumstances. The Temporary nature also allows for an evaluation of the measure afterwards which would be able to justify a continuation or a revocation of these measures.

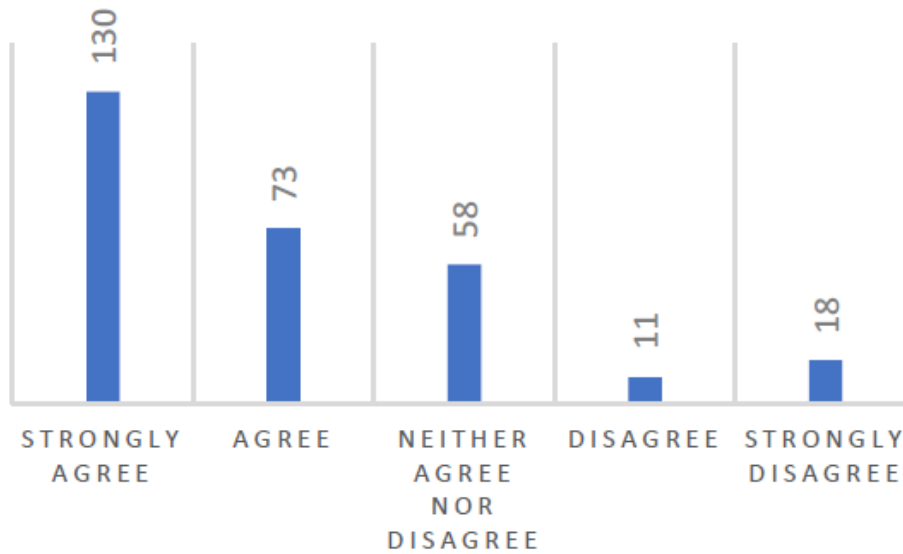
An example of “versobering” austerity is shorter work-days or weeks. The GAC did an audit to get an impression if civil servants would be interested in working less hours a day, or less days a week. This initial survey gave these initial results of the existing interest.

*Table 1: Options for free time of 234 respondents*

<b>IN WHAT FORM WOULD YOU LIKE MORE FREE TIME?</b>	
1 day off weekly	112 (48%)
afternoons/mornings off weekly	35 (15%)
accumulate more vacation days	79 (34%)
None of the above	8 (3)%
<b>Total</b>	<b>234 (100%)</b>



Table 2: Reducing my work week hours would negatively affect my financial situation



9. What is the current public wage bill versus our GDP?

GDP 2020:

Wage bill: 108 mln

GDP 2020: 1714 mln

Fraction:  $108 / 17,14 = 6,3\%$

Sint Maarten	2015	2016	2017	2018	2019	2020	2021 Prognoses
Nominal Gross	2.243	2.262	2.133	2.122	2.304	1.714	1.807

22. **EVRM what is the situation based on exactly, was it only regarding the financial aspects? Was money the only reason for the government to agree to these conditions?**

**ANSWER:** As mentioned before, Sint Maarten is negatively affected by the global Covid-19 pandemic, we agreed to these conditions to fight against the negative consequences the pandemic has on our health, economy, private lives etc.

**MP –Emmanuel**

Cost cutting measure civil servants – 12.5% of total labor benefits

1. Please list all parties who this law would apply to.

**ANSWER:** These are listed in article 1 sub a, b and c.

Artikel 1

In de bepalingen gegeven bij of krachtens deze landsverordening wordt verstaan onder:

- a. Overheidsdienaar: ambtenaar in de zin van de Landsverordening Materieel Ambtenarenrecht, een arbeidscontractant naar burgerlijk recht in dienst van de regering, het onderwijspersoneel en het personeel in dienst van een staatsorgaan, als bedoeld in onderdeel c;
- b. Onderwijspersoneel: personeel zoals bedoeld in het Bezoldigingslansbesluit onderwijs;
- c. Staatsorgaan: de Staten, de Raad van Advies, de Algemene Rekenkamer, de Ombudsman, en de Sociaal Economische Raad.

1. Please indicate which, if any, entities/functions that are paid from, or partly by, the budget of the Country Sint Maarten are exempt from the working of this law

ANSWER: If entities/functions do not fall under the parties as listed in Article 1, sub, a, b and c, this law will not be applicable.

3. Please list the total labor benefits that each party, mentioned in question 1, enjoys.

ANSWER: Broadly speaking the secondary benefits of civil servants are: 1 Vacation days and vacation pay, 2 Healthcare insurance, 3 Pension plan, 4 Unemployment benefits in case of reorganization. Primary benefits: salary, periodic increases, overtime, child allowance and several other provisions in case of traveling, filling in for positions etc. None of these are taken away. This ordinance freezes pay increases, reduces overtime allowance and vacation days and halts the accrual of vacation pay for the duration of its existence.

4. Please indicate what benefits will remain, should the 12.5% cut be applied.

ANSWER: the vacation allowance and periodic increases will temporarily disappear.

{A sidenote for clarity: Where it is stated civil servant in all of the questions, all parties listed under question 1 is being referred to and the answers should be provided taking that into consideration. }

5. Follow up to the answer to question 4:

Were the CFT and Dutch representatives informed that the implementation of these cuts would result in employees possibly being stripped of the majority of their benefits?

ANSWER: The Dutch representative through the Cft most certainly were told that the manner in which the cost cutting measures are required to be implemented are not optimal and could affect the civil servants negatively. We proposed other ways to achieve these savings but these proposals were not accepted.

6. Did the Council of Ministers deem this acceptable when they agreed to implement these cuts?

**ANSWER:** As stated previously the Council of Ministers continued to voice concerns with the interpretation of the cuts all throughout the discussion on how best to apply these cuts with the CFT.

7. It is often stated that the majority of Government departments are understaffed. This would imply that most staff, may have to carry a heavier workload to ensure that their department functions adequately.

Does the Government deem it proper to subject these workers to more workdays by reducing their vacation days, until further notice (meaning with no end in sight)? This was. **ANSWER:** This answer was already given earlier, that Government doesn't agree that these cuts should be applied but because we have accepted these conditions so that we can receive the necessary funds to ensure their base salaries we now also have to implement the necessary legislative changes.

8. Teachers generally cut their vacation short to prepare for the return of their students to classes. This draft law proposes to further reduce their vacation by 24 hours, which equates to 3 working days. From which vacation period will these days be deducted and what are the teachers expected to do during these days, when the students will be on vacation themselves? [Article 3] **ANSWER:** In this instance MP, the cuts indeed result in 3 vacation days being cut from the teachers, however this doesn't have to be applied during the summer vacation as eluded to. It can be applied during the Christmas vacation, Easter vacation, fall vacation and spring vacation. The teachers together with the management of the schools have many options to deal with the 3 days as long as it is adhered to.

9. Article 4 stipulates that the right to vacation pay over the period of July 1st, 2019 to July 1st, 2020 will be reduced by 2.08%. To date civil servants built up the right to 100% of their vacation pay over the period mentioned. According to the law, the accrued vacation pay should have been paid to the employees in June of 2020. Yet this Government has to date illegally withheld 50% of that vacation pay. This was also indicated by the General Audit Chamber. Now the Parliament is being requested to somehow be party to this illegal activity by covering it up retroactively. Can the Minister explain how the Government can withhold vacation pay from their employees that should have been paid to them in June of 2020, via this draft law that is proposed to take effect retroactively as of July 2020? So in other words, this law if passed, would take effect after the vacation pay should have already been paid.

Can the Minister explain why the law proposes to reduce the vacation pay retroactively by 2.08%, whereas the Government withheld 50%?

Am I to understand that the withholding of the entire 50% thus remains an illegal act?

Is this Council of Ministers telling the people of Sint Maarten that the laws in this Country do not apply to them?

10. The Government further proposes that Parliament continues to cover up their illegal activity by completely removing the rights of civil servants to their vacation pay that they started to accumulate from July 1st, 2020. So to be clear, since July 1st, 2020 civil servants have started to build up their vacation pay again. So for a period of 6 months thus far, that has already been accrued. Now the Minister is telling Parliament that we should retroactively take these accrued benefits from the employees by passing this law. Does the Government deem it proper to retroactively remove a benefit that many civil servants and their union representatives have clearly indicated is used to pay for insurance on their homes, school fees, to assist their children studying abroad and many more critical needs, until further notice (so with no end in sight)?

ANSWER for 9 to 10: The law reflects the conditions as stipulated by the Dutch Government to approve Liquidity (loans) support

Of the 6% vacation allowance 2019/2020, 3% was paid out, and 3% was withheld until further notice. To prevent salary cuts, 1.23% is used to reach to the 12.5% reduction over 2021, and 0.85% is used to cover the freeze of increments for the period July 1, 2020 until and including December 31, 2020. Please refer to answer on the question of MP Wescot-Williams on the implementation of the measures as per July 1, 2020.

Parliament is now requested to prevent any salary cuts and to regulate this achievement for Government by approving the draft ordinance.

As in my previous answer it is explained that 0.85% is used to cover the freeze of increments as part of the 12.5% reduction of the employment conditions for the period July 1, 2020 until and including December 31, 2020. And 1.23% is used to reach the 12.5% reduction of the employment conditions.  $0.85\% + 1.23\% = 2.08\%$

11. Article 6 indicates that the salary of civil servants cannot be increased in any fashion as of 2021. I understand this to mean that the Government has decided to literally freeze the incomes of civil servants, while the cost of living has been steadily increasing. Can the Minister list what this means exactly? So, what types of increases will civil servants no longer be entitled to, as the explanatory notes only refers to the granting of increments? Additionally, the article also states that the salaries will no longer be indexed as of 2021? Can the Minister indicate when the salaries of civil servants were last indexed? Can the Minister indicate, based on official data of the Statistics Department, how much the cost of living has increased for each year that the salaries were not indexed? Can I conclude that civil servants would still be eligible to receive the cost of living indexation to their salaries for the period prior to 2021, seeing as this law only speaks of the period as of 2021?

**ANSWER:** One of the measures to prevent cutting into the bases salaries of civil servants is to indeed freezing of increments. As you know salaries are based on scales and each scale exist of 20 increments. Each year a civil servant could receive an increment within the applicable scale. This is actually an increase in salary which will not be possible after this ordinance goes into effect. Also if someone is promoted during the existence of these regulations unfortunately the corresponding salary will not be able to be applied while these regulations are valid. Again to minimize the reduction of the spending power of civil servants by cutting in to their base salaries. Government did everything to avoid cut on the salaries and related pension build up. The last time the salaries were indexed was in 2012, after 2012 no indexation has taken place. There is no statistical report on the effects on the cost of living as a result of freezing the increments.

12. Follow up to the answer to part 2 of question nr. 11: Did the Council of Ministers take into consideration that with the implementation of a 12.5% cut, along with several years of no cost of



living indexation amounting to ....%, and a freeze on salaries of civil servants, that the Government is basically committing a tortious act towards its employees and their families by cutting their spending power dramatically?

**ANSWER:** As I have stated before the government stands behind the amendments being presented as it is the less invasive measures with the agreement with the Cft and the Kingdom Council of Ministers. We think the choices we made are the least detrimental.

13. Does the Minister realize that the approval of this law would drastically impact the pensions of the majority of civil servants, as they would not even be eligible to receive a minor yearly incremental increase, based on a good performance, which would have positively contributed to their pension?

**ANSWER:** We realize that a pay freeze also has a small effect on the pension accrual. Again this has been considered and we believe that these measures although harsh are the most less invasive measure for civil servants.

14. Can the Minister explain how and when the Police employees will receive their due compensation if article 6 of this law is implemented? As it has been said that there are many Police employees who are due to retroactive promotions.

**ANSWER:** This is a separate matter. Changes that have to be made retroactive to a date prior to July 1st 2020 can still be made.

15. Article 7 speaks of the possibility to grant an employee a gratification as a form of compensation for overtime. Will employees be entitled to receive gratifications and allowances? If yes, what kind?

**ANSWER:** Article 7 regards overtime compensation. For some categories that are not entitled hourly overtime a gratification can be given. Naturally this should be 50% as well.

16. Can the Minister explain why persons working at the Ambulance Department, CPS, the Police Force, Prison, Immigration and any other vital service, may be required to work extra hours but be compensated less, especially during this pandemic which necessitates some services working extra hours on a regular basis? Article 7

Has the Council of Ministers considered the impact this will have on for example the Ministry of VROMI during the hurricane period?

**ANSWER:** We have considered this, the weighing leads us to the same outcome and as I have stated before the government stands behind the amendments being presented as it is the less invasive measures.

17. Does the Minister realize that the implementation of this law would be to the detriment of civil servants and their families? **ANSWER:** See previous answer.

18. Does the Minister agree that a law that negatively impacts citizens of this island should never be implemented by the leaders of this country and especially not for an indefinite period? **ANSWER:** I would never go as far as to say such because that is unrealistic

19. The Prime Minister indicated in a prior meeting that Government still has to hire personnel to execute the measures agreed to with the Dutch Government. How does the Prime Minister justify

cutting the benefits of civil servants currently employed and using that money to hire other individuals?

ANSWER: Indeed this is something that is very difficult to correlate yet, however we will still need to hire.

20. In the explanatory notes it is stated that the Government would ensure that the employees are informed of the cuts 'so that they can prepare'.

Can the Minister explain how civil servants will be able to prepare for a cut in their benefits that they depend on, whereas their personal obligations remain intact?

ANSWER: Online meetings with the Prime Minister, the Minister of Finance and civil servants were held to inform the civil servant on the state of affairs and the measures to be introduced

21. The Prime Minister stated that the civil servants agreed and understand the cuts in their benefits.

Was a survey done to determine the percentage of civil servants agreed to the cuts? ANSWER: I indicated before that during the presentation to the civil servants is that they expressed understanding.

22. No actual figures have been forthcoming from the government showing that these cost cutting measures actually will ensure government can make its financial obligations or that the 12,5% in cuts are truly 12,5%. What are the actual amounts in monetary value that will be saved and cut?

ANSWER: The draft ordinance that was submitted to the Council of Advice and to Parliament did not include the financial overview of the cuts. This is why the draft was pulled back and Government submitted a new draft including the financial overview (see pages 4, 5, 6 and 7 of the explanatory memorandum).

23. What determining factor correlated to the 12,5% figure instead of say 15%?

ANSWER: The condition set by the Netherlands is 12.5%

24. Why are the measures spoken about in terms of percentages instead of money?

ANSWER: The draft ordinance does not only mention percentages, it indicates also the definitions, vacation days expressed in hours, etc, in addition, in the explanatory memorandum the amounts are mentioned as well.

25. The Dutch also says that the quality of work by civil servants is inadequate and mentions low tax compliance and licensing issues as examples. Are the Dutch telling us that civil servants' salaries and benefits deserve to be cut because in their opinion tax compliance is low?

ANSWER: Honorable MP, I believe the Dutch would like for Sint Maarten to upgrade their public financial management in order to circumvent the requests for liquidity support.

26. What is this so called "robust tax system" that the Dutch keep saying will be implemented on SXM?

ANSWER: Honorable Member of Parliament, I will reserve the answer to this question for the presentation to be given on the Country Packages as discussed yesterday?

27. What are the details of this tax system?

ANSWER: For some time now government has had plans to improve the Tax Compliance and the Public Financial Administration. Lack of funds to do so has limited the improvements in these areas. Government however, with its limited resources has been able to make some improvements, even during 2020. In several areas we have seen services automated, the e-government program which is being done through NRPB is still awaiting final approval, online payments, categorization of Income tax data, processing of online payments and increased use of AIMS (Automated Information System).

28. What happened to the projects by government to improve compliance and to speed up licensing issues?

ANSWER: after the pandemic, the priorities of Government where shift to fighting the consequences of the pandemic and protect our residents to the negative impact of this pandemic, as such projects to improve compliance and speed up the license process where not our priority.

29. Were these not presented to the Dutch? So, because THEY'RE opinion of our people's work is low, we had to cut their salaries and benefits as a condition? Feels more like a punishment.

ANSWER: it does certainly not feel like a reward especially taking into account that our civil servants work very hard and do a tremendous job, and not only after Covid, but actually since the hurricanes they going the extra mile.

30. What kind of quick fiscal relief are these cuts bringing in terms of figures?

ANSWER: that for example that Covid patients can be taken care of, that Sint Maarten employers, employees, sole proprietors, employees who lost their job due to Covid-19 are receiving financial support through the Sint Maarten Stimulus Relief and Plan, that the salaries of the civil servants are being paid.

31. What kind of legal assurances are in place to ensure that the cuts are temporary? **ANSWER:** This question is similar to the many MP Buncamper asked about the legal basis of the temporary nature. The legal basis and assurances is taken up in the amendments themselves and remains a prerogative of the Government. We can go over to revoking these measures at such a time as we can support our budget independently.

32. How will the savings from these cuts be spent?

ANSWER: In the end there are no savings. These measures will reduce the debt.

33. Will a periodic evaluation take place to assess government's financial standing? If so, who would be performing the evaluation?

ANSWER: We are constantly evaluating our financial situation. Monthly reports are made which are provided to the CFT assist us in monitoring our financial situation and managing the limited funds that we do have.

34. It stands to reason that all entities that fall under the draft national ordinances and who's salary is paid from government's coffers should be treated equally based on the principle of equality. *Is the Governor, Dutch representative, etc. getting cut as well? If not, why not?*

**ANSWER:** Neither the Governor or the Dutch Representative is paid by the Budget of Government.

35. If they are exempted from the cuts, kindly elucidate as to the reason they are. Surely, they should also stand in solidarity with the rest of the country and not tax government's coffers any more than who are subjected to the cuts.

Additionally, article 16 of the Constitution states that all persons on Sint Maarten shall be treated equally in equal circumstances and may not be discriminated against on several different grounds or on any grounds whatsoever. If previous mentioned entities do not fall under the austerity measures of the draft national ordinances, this is blatant discrimination and will not be tolerated.—**ANSWER: MP** I can understand your sentiment to want to apply this principle and rule to this situation. Although, I also know there are nuances to this I don't think it is relevant in this case, because they are not financed from our budget we can't enact any laws without the agreement of the Netherlands that would affect them.

36. What is the total budget amount that is paid by government monthly? Kindly submit the budget of every employee of the Public prosecutor's office, the Court and the governor's cabinet.

**ANSWER:** The Parket, \Joint Court and OM are receiving a yearly contribution, transferred quarterly. The amounts will be shared with Parliament.

37. Will there be additional austerity measures put in place if it is determined that the 12,5% is not sufficient for government to fulfill its obligations?

**ANSWER:** We are constantly taking cost saving measures, consider the Petro Plus program instead of the old Gasoline bons, the new telephone policy, that already have been implemented.

38. If so, will this be done retroactively as well?— **ANSWER:** This is determined based on the situation, we can under circumstance institute retroactive enforcement and we will try to minimize the need for such in the future.

39. Through one side of our mouth we are telling the people that these measures, these cuts, are temporary but out the other side of our mouth we're saying until further notice. "Temporary" has an ending date. An exit strategy. Does the government have an exit strategy?

**ANSWER:** These measures, honorable MP, are temporary, lasting for a limited time. If they turn out to be good structural improvements that reduce waste and leakage and improve efficiency, then they should be considered in our structural improvements.

40. When will we be able to stand on our own again according to the PM? Who determines this?

**ANSWER:** When Government has Public Financial Administration, once Government has the means to execute our obligations independently. Sint Maarten determines such.

41. What is the benchmark or the measuring stick? When will we know that we can stand on our own, when the Dutch say so? **ANSWER:** Answered previously.



42. Government was desirous of omitting the Ombudsman's constitutional control on the draft national ordinances because of the tight deadline set by the Dutch government. What exactly is this tight deadline? **ANSWER:** The deadline was January 25, 2021, the extension was given until the end of the month.

43. What is the date of the deadline agreed to by the COM and Dutch government?

**ANSWER:** The deadline was January 25, 2021, the extension was given until the end of the month.

44. Advice of the Council of Advice

a. Can the Minister explain why the Council of Ministers chose to avoid seeking advice from the Social Economic Council on these cuts, that have a clear social and economic impact, whereas advice could have been sought while the discussion were ongoing for several months? **PM already answered**

b. Is the Minister of the opinion that the Council of Ministers in this fashion is adhering to the basic principles to seek advice from our High Councils of State in such crucial matters? **ANSWER:** The Council of Advice was consulted.

c. Can the Minister provide documentation from the CFT, whereby it indicates its agreement with the cuts being proposed in this draft law? **See answer to question 45**

d. The Council of Advice questioned the legality of a retroactive implementation of cuts. **ANSWER:** Answered previously.

45. How does the Government deem it justifiable to wait more than 6 months to submit this law to Parliament which goes retroactively into force as of July 1st, 2020?

**ANSWER:** Answered previously.

In an advice to the chairman of the Kingdom Council of Advice PM Rutte the Cft in its letter of November 4<sup>th</sup> 2020 stated the following on page 10 under the section – Toelichting Invulling Voorwaarden 2e Tranche:

Het totale pakket arbeidsvoorwaarden van alle medewerkers in de (semi)publieke sector (incl. overheidsbedrijven/ publiek gefinancierde stichtingen/ instellingen die minimaal voor 50 procent gefinancierd worden vanuit de begroting) moet met 12,5 procent worden verlaagd. Op jaarbasis, wettelijk minimumloon ondergrens, vanaf 1 juli 2020 en tevens geen indexering tot nader order. Sint Maarten heeft een adequate toelichting verstrekt op de verlaging van deze arbeidsvoorwaarden. Het inleveren van vakantiedagen maakt 4 procent uit van de totale verlaging van 12,5 procent. Daarmee zouden alle ambtenaren komen op een wettelijk minimum van 15 dagen. Het Cft acht 4 procent in vergelijking met Aruba (0 procent) en Curaçao (1,2 procent) teveel en heeft Sint Maarten verzocht dit te verlagen naar het niveau van Curaçao. Het Cft kan dan ook instemmen met het alternatieve voorstel in de brief van 3 november 15 om deze 4 procent als volgt in te vullen:

- 2 procent door het verlagen van de vergoedingen voor overwerk;

- 0,8 procent inhouding op het niet uitbetaalde vakantiegeld 2019-2020;
- 1,2 procent inleveren van vakantiedagen

Daarbij merkt het Cft op dat de 0,8 procent inhouding op het niet uitbetaalde vakantiegeld 2019-2020 geen invulling is “tot nader orde” en dat Sint Maarten begin 2021 dient aan te geven hoe deze 0,8 procent vanaf 1 juli 2021 wordt ingevuld.

e. Please indicate when civil servants were informed of all measures mentioned in this draft law and therefore could have an expectation that the cuts would be implemented. **ANSWER:** As we have stated previously these measures was a public discussion since June and we had meetings with the Unions once we completed the discussion with Cft we had a meeting with the Civil servants to inform them, that was in November.

If this was done by way of a presentation and or some other form of communication, please provide such to Parliament. **ANSWER:** Yes, the presentation can be sent.

f. The Prime Minister indicated that civil servants showed understanding for the need to make these cuts and that they were somehow in agreement.

Can the Minister explain when and how this understanding and agreement was indicated and by exactly how many civil servants? **ANSWER:** This was already answered.

g. The Government indicated in its response to the Council of Advice that promotions based on internal recruitment will still be possible. **ANSWER:** They can, but without the pay increase

Can the Government explain what will happen in a case when that equates to an increase in salary? As my understanding is that the amount an employee can receive depends on their current income and whether there is a big difference with the salary for the function they applied for. **ANSWER:** This was already answered.

How would the Government justify such an increase, whereas an employee cannot receive an increment or promotion based on good performance for the job that they are already doing? **ANSWER:** This was already answered.

STATEMENT: According to article 61, sub 3 of the Constitution, Members of Parliament shall not be bound by a mandate or instructions when casting their vote. Alternatively, article 67, sub 3 of the Dutch Constitution states the same. Having draft national ordinances sent to Parliament partially and last minute with the underscoring that there is a deadline for which legislative and constitutional procedures were skipped is disrespectful and unbecoming.

Buncamper:

**ANSWER:** Governments position on the ILO --> once the government has taken a position on this point it will be shared with Parliament

## Clarification MP Buncamper

1. **PM:** Two virtual meetings held; how many people attended the meeting? How many of the 1661/1662 attended the meeting? **ANSWER:** A little over 300 the last time. We utilized the same platform, so I will check with IT if it is possible to ascertain the exact number of participants both times. The presentation remained in the chat of the meeting and could be accessed to all civil servants in the invite. Persons could go back and look at it.
2. **PM:** The PM indicated that the Unions refused to meet after the timeline they refused to meet with Government? **ANSWER:** They were invited in July and twice in August and declined. After the decrees for the chair and deputy chair were issued in September there was no willingness to meet until the Secretariat was appointment according to their wishes.
3. **PM:** If the CFT can decide for us what we have to cut for us or not, PM stated correctly that the law doesn't indicated wa,... Why are we allowing this nonsense – If it is that BZK is instructing CFT then they need? **ANSWER:** The Cft is empowered through the state secretary by the Kingdom Council of Minister. The State Secretary informed St. Maarten that when the Cft informs him that St. Maarten has met the conditions to their satisfaction then the RMR will consider the conditions met.
4. **PM:** We have requested a meeting on the COHO and the country packages and how it correlate back to these laws, MP-SWW eluded to the correlation, there is a direct relation to the “versobering” in the country packages, are we not being pushed down the line of continued cuts of our middle class? I need us to review carefully of this stance. **ANSWER:** MP we are aware of this trend and are determined to not allow the Netherlands through these reforms to determine for us in such a way that our middle class is indeed pushed into poverty. For that we have already indicated to the organization that we need to take the reins and the lead with these reforms. With this in mind we chose to look at this restructuring as an opportunity to address matters that we have not had the opportunity to address in the past, while also having the possibility to obtain financing either through additional loans or grants. While we have arrived at this point after much discussion, not recognizing the possibilities and therefore not making use of them, would be amiss.
5. **PM:** Was the CCSU functioning properly during this period, was it because the shuffling at the top of the CCSU that it went wrong? **ANSWER:** I can agree that it must have contributed, and again, I think I also said that it was due to misunderstanding of the process that had to be carried out why there was a refusal to continue to discuss with the Government of St. Maarten. Yes indeed, and I want to make sure and answer this question because I really don't, as a Minister, come into this setting and call the names of civil servants and others within the organization because we will come and go, but these civil servants are the backbone of this organization and they will continue to endure, regardless to who's at the helm and I've always held that position. When the CCSU is a platform. It is not a representation of the unions, but a platform through which government and the unions should communicate. And communicate and negotiate in the best interest of the civil servants.

In naming the persons in the CCSU I heard some allusion to lack of integrity. It is because of integrity that my advisor in my cabinet took a leave of absence from the CCSU. Because the CCSU is not supposed to be on the side of government, it's not supposed to be on the side of the unions. It is supposed to be impartial. As my advisor, it would be a conflict of interest for her to continue to advise and be seen as impartial by the unions and that is why she took a leave of absence. So I would like to clarify that. And any persons within that setting that displays any lack of integrity would not be allowed to continue with the CCSU.

### **Clarification SWW**

1) Aspects of this law have already been implemented reduction in vacation days and reductions in the overtime allowance, the Minister indicated that the days that this law that will scrapped, have already been taken up then it will be taken from 2021, what about overtime? What about the other matters?

**ANSWER:** The increments for 2021 have not been applied in anticipation of these changes. The vacation pay would not be due till the end of June 2021. Overtime: As previously indicated The organization has communicated that the compensation for overtime must be reduced before the draft national ordinances goes into effect. The savings on overtime as a result have yet to be identified and depending on this, it will be decided whether action is needed or not.

2) Consultants based on the list provided to Parliament as a part of the budget can that be broken down into consultancy? Dienstverleningsovereenkomsten – Budget 2020 – Which are consultants and cost?

**ANSWER:** This answer will need input from all ministries it will be compiled and provided at a later date. To be able to answer your questions we will have to go into the field.

3) Procurement to pay? Internal document?

**ANSWER:** Payment is a procedure developed by the administrative organization of SOAB that regulates the procedure from assessment to payment. This document for internal use within the ministries and can be shared on request of Parliament.

### **MP Emmanuel -**

1 Were all civil servants who attended the presentations in agreement with the measures or understood the need for the cuts? **ANSWER:** This I cannot answer, if not they were not voiced during that presentation and Q&A.

2. Can the minister indicate how the employees voiced their opinions? **ANSWER:** It was an interactive chat they were voiced in the chat.

3. Can the minister also provide some form of documentation on this approval / understanding? **ANSWER:** No it was an interactive chat

4. Several justice employees stated that they were unable to attend both presentations. Is the minister aware of this and were efforts made to ensure they were informed in another setting? **ANSWER:** We made sure to have the meeting with Management to pass on this information to the individual works as I have stated before and we will update the newsletter.

5. Would all civil servants receive new decree or contracts, considering they were appointed under certain conditions?

**ANSWER:** No, there is no need for that either. They do not receive LB's when an increment is applied, overtime or vacation pay is paid out, or vacation is granted either. So, there is no need for a new LB. They will be informed of the changes in general letter which will refer to the legislation.

6. Will there be any incentives whatsoever, encouraging/motivating civil servants to continue working diligently under these conditions? **ANSWER:** We as Government continue to look for creative ways to inspire and encourage our civil servants force, just recently we honored a few civil servants for all their work. They have gone beyond their work and were recognized by the whole civil servants corps. Of course we are open to any ideas you may have within the financial constraint to continue to encourage and inspire our civil servants force.

7. Particularly civil servants who are being requested to work in offices that are severely understaffed or civil servants who deserves a promotion and will not be compensated immediately nor retroactively? **ANSWER:** we have answered this already

8. Which internal departments and /or experts in the civil service supported these cuts? **ANSWER:** I believe that we have answer.

9. Did the Personnel department and the Finance department sanction these cuts and can we see their advice? **ANSWER:** The advice are internal documents and they drafted the ordinance as it was already decided by COM.

10. The chairman of CCSU, Raphael Boasman, is also a member of WICSU PSUt union. Based on the PM's logic, isn't that a conflict of interest? **ANSWER:** The new Chair indicated he is no longer a member.

1. The unions i.e. the WICLU sent a letter to PM for a meeting in September 2020 around the time of the border protest. The purpose of the meeting was to discuss and hopefully agree on a memorandum of understanding. Did the PM honor that meeting? If no, why not? **ANSWER:** The meeting did not take place at the time because the proposed date was not feasible seeing that legal review of the memorandum of understanding needed to take place. However, there were some internal delays which were unfortunately not communicated to the WICLU. Furthermore, the concurrences with the various meetings and the different union bodies culminated in these discussions being halted in its entirety. The intention is still to resume communication. I have instructed the secretariat Council of Meeting to look into the matter.

12. When was the last time the PM meet with the WITU? Again we got the question and so we need to check this.



**ANSWER:** Officially the last meeting held with the WITU was on May 28, 2020. The WITU as was mentioned previously are part of the umbrella Union WICLU, and the last meeting held in the last quarter of the year.

13. PM sent a letter June 11, 2020 whereby she informed the members of the CCSU that their proposal will lead to additional conditions. Can the PM indicate what those additional conditions are/were?

**ANSWER:** Thank you for confirming that discussions were being had MP Emmanuel

I want to know, what was the directive from the ombudsman pertaining to the unions?

**ANSWER:** Honorable Member of Parliament Emmanuel, the Ombudsman provided recommendations to the Minister of General Affairs, they are as followed:

**Recommendation:**

1. That the Government provide the Secretariate of the CCSU with a decision to their objection filed, no later than 15 January 2021 and subsequently provide the CCSU with an official decree pertaining to the appointment of the members of the Secretariate of the CCSU, within thirty (30) days of the objection process (depending on the outcome), however no later than 15 February 2021;
2. That once an official decree has been issued, immediate dialogue should commence regarding the labor rights of the civil servants;
3. To draft law (s)/policy to address voids in CCSU's procedures.