

INTRODUCTION

DEPARTMENT OF LABOUR

The Department of Labour is charged with the tasks in the area of labour. The Department of Labour has the following tasks:

- Formulating policy memorandums and recommendations and making proposals for the development, adjustment, monitoring and implementation of a national policy concerning labour and the policy in the area of safety and labour inspection;
- Preparing, implementing and monitoring the national legislation concerning labour and monitoring the compliance with this legislation;
- Promoting international, social and labour affairs, such as the relationship with the International Labour Organization.

In this sense, the Department's work lies in the area of making policy and supporting this policy with qualitative and quantitative research. The Department also gives the government advice about subjects pertaining to the labour law. The Department interprets the labour legislation if necessary and works on the evaluation and modernization of the labour laws. On an international level this is in particular work with regard to the International Labour Organization (ILO), European Social Charter and a number of human rights treaties containing labour clauses. The work entails compiling reports for the ILO, representing St. Maarten at the annual International Labour Conference in Geneva and advising the government about ILO conventions.

ADDRESS OF THE DEPARTMENT OF LABOUR

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THE EXECUTION DEPARTMENT

The Labour Affairs Agency is the executing division of the Ministry of Labour in St. Maarten and they are tasked with monitoring compliance with the labour legislation and settling complaints resulting from the labour relations between employers and employees. Furthermore, the section intervenes in current, individual labour conflicts. Additionally, the section also takes requests to receive free legal assistance (see folder: free legal assistance). The section also implements stipulations of the National Ordinance Concerning the Termination of Labour Contracts whereby employers' requests for the dismissal of employees are treated. For more information see the folders: employer and dismissal and employee and dismissal.

The national ordinances of which the section monitors the compliance are, a.o.:

- The National Ordinance concerning Minimum Wages (see folder: minimum wages);
- The Labour Legislation 2000 (see folders: flexibilization of the labour legislation/ the labour duration, lunch breaks, breaks and overtime/ payment of overtime/ holidays);
- The Vacation Regulation 1949 (see folder: vacation and holidays);
- The Civil Code (see folder: the labour contract).

The executive aspect of the department is also entrusted with activities in the area of labour (and social affairs), such as registration, control and other tasks in the area of the labour market including:

- employment office (arranging contacts between job seekers and employers);
- giving advice and information about the choice of career (including the issuance and control of work books) and company registration;
- giving advice about job permits for foreign employees;
- safety inspection;
- labour supply services;

Furthermore, different services are offered to persons with little or no income, such as:

- paying social benefits;
- distributing water and electricity subsidy;
- distributing p.p.-cards for free medical care (for the poor);
- covering expenses for placing elderly people and youngsters in resp. homes for the elderly and boarding schools and;
- different other services in the area of social care.

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