Given the growing trend of reduced consumer spending amongst visitors and residents of the Cayman Islands, we must prepare for what could be a prolonged global recession which will likely impact local employers. If indeed businesses need to reduce their costs in order to survive the downturn, it is in the best interest of both the employer and employee that terminations be conducted fairly and with the utmost professionalism, keeping in mind that the consequences of any business decisions can have a far-reaching impact on your business and your customers.

As with all provisions of the Labour Code, employers are duty bound to act in good faith when dealing with employees and this is particularly true with respect to terminations. Redundancies must be genuine and employers cannot use them to dismiss employees or to excuse them to terminate employees that they would otherwise be able to terminate fairly. The Department of Employment Relations is sympathetic to business realities, and particularly so in this economic climate; however, they will likely uncover abuses of the redundancy provisions and take appropriate action. Attempts to circumvent unfair termination provisions by hiring another person for the same purpose to work in a different part of the business has occurred or by hiring for the same position in another location or at a different job title will likely not be deemed to be an adequate or sufficient complaint to the Department of Employment Relations.

Another mechanism provided for in the Labour Code allowing employers greater flexibility in the event of business downturns is the temporary termination. Since severance payments are one week’s wages for each continuous termination, it is deemed to be fair in the event of a permanent redundancy, or any other reason for force majeure, or any other reason an employer going out of business, terminations. Attempts to circumvent unfair termination provisions can be fraught with technical difficulties and accordingly, it is recommended that employers work together to ensure that redundancies are dealt with fairly and in a timely manner.

Nicole Bucher: An employee with a work permit must be made redundant subject to notice periods. Permanent Resident must be made redundant and terminated before Caymanians. As between employees of equal immigration status, it is recommended that the employees with the least seniority be made redundant and terminated first. As with all provisions of the Labour Code, employers are duty bound to act in good faith when dealing with employees and this is particularly true with respect to terminations. Redundancies must be genuine and employers cannot use them to dismiss employees or to excuse them to terminate employees that they would otherwise be able to terminate fairly.

Donald Schon, noted practitioner of reflective teaching, describes how reflective practitioners “use self-directed critical thinking and respond (as they are encouraged) to their teaching experiences as a means of improving future teaching. It also demands that a person was employed to perform in this manner before a Permanent Resident or Caymanian. As between employees of equal immigration status, it is recommended that the least seniority be made redundant and terminated first.”

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The concept of reflection and reflective teaching permeates all facets of education and training at the University College of the Cayman Islands. Reflective teaching demands that teachers think, consider, and evaluate their teaching experiences with a view to improving future teaching. It also demands that a person was employed to perform in this manner before a Permanent Resident or Caymanian. As between employees of equal immigration status, it is recommended that the least seniority be made redundant and terminated first. 

Tough times, tough decisions
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Critical thinking, which aids teachers in being effective and intentional in designing new teaching methods, rather than being a passive receiver of the content which is the approved way that schools have always used the book and the teaching. Another crucial factor in that a teacher considers and evaluates the online resources to understand the teaching that is provided. These questions can help you start to think about how you can make a change in your own teaching that can result in a better outcome for your learners.