

# JCC POSITIONS



## Tracking Legislative Agenda

- **The JCC acknowledges the importance of the government's agenda, and appreciates the efforts taken in recent years to include the private sector and various interests to contribute to the debate and to listen to opinions on various legislative efforts.**
- **The JCC is asking that the government provide a tracking system for government legislation through all 22 steps it takes to become law.**
- **It is imperative for businesses and civil society to be able to understand the changes going on during this very dynamic time of both economic and organizational change due to external shock of COVID-19.**

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## Sexual Harrassment



- **Government must play a role in education and providing more guidance on this area, indicating rights and duties of employer and employee.**
- **Legislation does not deal with 'intimidating' behaviour or toxic work culture. Since we want the legislation to go through, we believe that this can be dealt with through training and sensitization campaigns, and acknowledge that this may not get changed in current legislation.**
- **Government must articulate proposed measures for sensitization and training of employees and employers, since SMEs do not necessarily have resources for this.**
- **We are concerned that this, along with other legislations, has been significantly delayed. Drafting started in 2004. It is now 2021.**
- **Although it seems like a separate body for adjudicating sexual harassment claims is superfluous, the JCC would welcome this due to some of the shortcomings of the IDT which have yet to be addressed by the government.**

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## E-Signature Legislation



- **The technology has developed since the original legislation was passed, and therefore needs to be updated.**
- **The government does not accept E-signatures and should.**
- **JCC believes that Jamaica should join the 21st century and have the legislation and regulations in place to support a digital economy.**
- **We should agree on what technology is required.**
- **Education on what does and does not constitute digital signatures should take place.**
- **This is now URGENT and we need an URGENT ASSURANCE.**

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## Waste Management Privatisation

- **The JCC is generally concerned that the privatization promised in Waste Management has not occurred.**

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## **Liberalisation of the Labour Code**

- **The JCC supports reform of the IDT process and liberalization of the labour code.**
- **The JCC fully supports and endorses the recommendations of the Bar Association in its efforts to further liberalize the labour code in Jamaica.**

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## Micro Credit

- **We support the position of JaFin and JAMFIN in requesting that this be redrafted and relooked at.**
- **We understand discussions are going on between the two parties as to better draft the legislation.**
- **The JCC expects urgency in dealing with this area since it is understood that lack of progress in this area has contributed to Jamaica's designation with FATF and money laundering concerns internationally.**

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## Data Protection Act



### The JCC

- welcomes the Data Protection Act to provide the foundational legislation for the collection of data during NIDS implementation.
- welcomes legislation which is becoming standard worldwide, and is required under CARIFORUM.
- originally requested a 3 year implementation, the new legislation has 2 years implementation, and given that GDPR requires some Jamaican companies to be compliant, this is satisfactory. The JCC seeks confirmation on what the effective date of the legislation will be and when the government proposes to have the draft regulations ready.
- notes the complexity of the requirements required for small and medium sized companies.
- welcomes the opportunity to work with relevant Ministry and the Information Commissioner when set up to develop and implement Codes of Conduct/Practice.
- questions the government on whether there is sufficient funding for the successful implementation of the act and the requirements of the forthcoming regulations.

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## Data Protection Act



### The JCC

- **notes the liability obligations in section 69 and believes that the government should provide clear training and public information campaigns to companies so that it is clear that they are aware that they can be sued for a breach.**
- **recognizes that harm from a breach of data protection for a company with 10 records may be worse than a breach of low impact data from a company holding millions, and therefore it is imperative that the smaller businesses understand the impact that breaching data protection can have on data subjects.**
- **believes that public information campaigns and training should be given by the governments indicating exactly what a Data Controller is. There are many companies and organizations which may not realize that they are subject to these rules.**
- **sees it as imperative that the right candidate is hired for the job of Information Commissioner and that this job requires there to be no conflict of interest.**



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## Companies Act



- **JCC wishes this to be amended to facilitate digital signatures.**
- **JCC wishes this amendment to allow for a shortened version of the auditors report in the AGM or to accept this to be taken as read during an AGM.**