

**ATTACHMENT I
ON BEHALF OF THE NATIONAL DECREE ON THE PROCEDURE TO TERMINATE
LABOUR AGREEMENTS¹
VSA: DFI-2018**



St. Maarten

**The Secretary-General of the Ministry of
Public Health, Social Development and Labour
Soulaliga Road #1, Pond Island, Great Bay, St. Maarten
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Request for permission to terminate a labour agreement

(Form as stipulated in article 8, second paragraph, sub a, of the National Decree
on the procedure to terminate labour agreements)

Employer²:.....

Address:.....

Phone number:.....

Type of company:.....

Fax:.....

E-mail address:.....

Contact person:.....

Function:.....

Number of employee(s) for which the termination of the labour agreement is requested:.....

¹ In case of difference of interpretation, the Dutch text will prevail, or shall take precedence.

² Fill in the name of the legal entity. If not legal entity, fill in the name of the natural person, and possibly the trade name. Dismissal request has to be signed by the EMPLOYER. State name and function.

Request for permission to terminate a labour agreement

Total number of staff: of which non-nationals³:

Is there currently, with regard to the relevant employee(s), a request pending to terminate the labour agreement based on serious grounds as stipulated in article 1615w of the Civil Code of St. Maarten?: YES/NO*

Did you inform the employee(s) in question of this request to terminate the labour agreement(s)?: YES/NO*

Did you inform the union involved of this request?: YES/NO*

If not, what is the reason:.....
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.....

Employee(s) is/are member(s) of (name of the union):.....

What is the reason for this request? (explain in detail and attach supporting documents; see also elucidation on page 5)

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*delete whichever is not applicable

³ A non-national is a person who on the basis of the National Ordinance admission and expulsion (LTU) needs a residence permit.

Personal data of the employee(s) for which permission to terminate the labour agreement(s) is requested

NAME, FIRST NAMES, HOME ADDRESS, PHONE NUMBER	DATE OF BIRTH, PLACE OF BIRTH, NATIONALITY	OCCUPATION/FUNCTION, DATE, WAGE/SALARY
Name: First names:..... Home address:..... Phone number:.....	Date of birth:..... Place of birth:..... Nationality:.....	Occupation/Function:..... Date of employment:..... Monthly wage ⁴ / quincena/ week:.....
Name: First names:..... Home address:..... Phone number:.....	Date of birth:..... Place of birth:..... Nationality:.....	Occupation/Function:..... Date of employment:..... Monthly wage ⁵ / quincena/ week:.....
Name: First names:..... Home address:..... Phone number:.....	Date of birth:..... Place of birth:..... Nationality:.....	Occupation/Function:..... Date of employment:..... Monthly wage ⁶ / quincena/ week:.....
Name: First names:..... Home address:..... Phone number:.....	Date of birth:..... Place of birth:..... Nationality:.....	Occupation/Function:..... Date of employment:..... Monthly wage ⁷ / quincena/ week:.....
Name: First names:..... Home address:..... Phone number:.....	Date of birth:..... Place of birth:..... Nationality:.....	Occupation/Function:..... Date of employment:..... Monthly wage ⁸ / quincena/ week:.....

⁴ Gross wage in *NAf*. Delete whichever does not apply.

⁵ Gross wage in *NAf*. Delete whichever does not apply.

⁶ Gross wage in *NAf*. Delete whichever does not apply.

⁷ Gross wage in *NAf*. Delete whichever does not apply.

⁸ Gross wage in *NAf*. Delete whichever does not apply.

Request for permission to terminate the labour agreement(s)

The undersigned declares that the information in this form is true and correct,

Place:

Date:

Name employer / authorized representative⁹:

Signature employer / authorized representative¹⁰:

⁹ Delete whichever is not applicable. If the employer is been represented by an agent, a written authorization has to be included.

¹⁰ Delete whichever is not applicable.

Request for permission to terminate the labour agreement(s)

ELUCIDATION

General:

- The form must be *fully* completed. In all cases, a copy of the individual labour agreement and, where applicable, the Collective Labour Agreement (CLA) has to be attached. If no individual labour agreement can be submitted, the reason why should be given;
- An employer may in writing and in advance object to the Secretary-General against the sending of company-sensitive information to the employee. In that case the additional information will be submitted to the Secretary-General for perusal of the employee.

In case of reduction of staff, or collective dismissal:

- the number of employees that the employer wants to dismiss with a breakdown to functions, age, gender and seniority;
- the intended date for the termination of the relevant labour agreements;
- the result of the consultation with the union if the employee(s) concerned are assisted by a union;
- the measures that the employer has taken to alleviate the consequences of the dismissal to the employee(s) concerned;
- an indication of the current staff (name, position, age, nationality, hire date) of the department where the employee in question works, or the entire company;
- clearly indicate which is the reduction of work concerned; cause and extent of the decreasing work/business activities;
- indicate what has been done to prevent the (collective) dismissal;
- financial data stating the need for the measures to be taken (for example an auditor's report);
- overview of the order book in comparison with previous years;
- indicate why the choice has been made on these employee(s);
- receive and mention the redundancy plan.

In case of strained labour relationship, or unsuitability:

- describe why you consider the employee(s) unsuitable/unfit for his/her function;
- attach/add a detailed job description;
- examples that make the motives plausible;
- indicate what has been done to avoid the termination of the labour agreement(s);
- mention the periods of absenteeism during the last 24 months.