

## MEMORANDUM

**Date:** 02<sup>nd</sup> July, 2021  
**To:** All Staff  
**From:** Board of Directors  
**Subject:** TDC Group Policy for Crisis Situations

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**POLICY STATEMENT:** The following is the policy of each company in the TDC Group (the "Company") which will be applied on the matters covered in the event of a Crisis including the ongoing Covid 19 pandemic.

**SCOPE:** This policy applies to all current employees of the respective Companies and will apply to future employees during its continuance. No category or level of employee is exempt.

**RESPONSIBILITIES:** The Chairman and CEO of TDC supported by the Executive Directors (together the "Directors") are responsible for the implementation and execution of this policy.

**ENFORCEMENT:** Compliance with this policy is mandatory. Failure by an employee to comply with this policy may lead to disciplinary action including termination of employment.

**EFFECTIVE DATE:** 1<sup>st</sup> July, 2021

**AUTHORISED BY:**



BY ORDER OF THE BOARD OF DIRECTORS

Earle A. Kelly, Chairman and Chief Executive Officer

St. Kitts Nevis Anguilla Trading and Development Company Ltd

Box 142, Fort Street

Basseterre, St. Kitts

**Date:** 02<sup>nd</sup> July, 2021

## **SECTION 1**

### **DEFINITIONS**

The following are the definitions of key terms used in this policy:

1. **Ex-gratia Payment** - payment to which an employee is not entitled by contract or law.
2. **Regular Pay** - payment due to an employee by contract or law for work done.
3. **Benefits** - as described in Section 3.
4. **Crisis** - the current Covid 19 pandemic and any future pandemic, epidemic, health crisis, natural disaster, fire, flood, insurrection, civil disorder, war, property damage, order of Government or other event or situation which substantially disrupts the business of the Company or results in the total or partial closure of all or a substantial part of the business or business premises of the Company.
5. **Monthly paid employee** - employee who is paid once per month.
6. **Bi-weekly paid employee** - employee who is paid every two weeks (26 pay periods per year)
7. **Total closure** - cessation of business activity by not offering goods and/or services to the public or target market for a period of time.
8. **Partial closure** - offering goods and/or services or engaging in business activity on a reduced basis or with reduced staff.
9. **Year** - means 28<sup>th</sup> June 2021 to 31<sup>st</sup> December 2021 and any full year from 1<sup>st</sup> January 2022

## **SECTION 2**

**Vaccination against COVID19 and/or any other measure approved by the company to protect its business or employees in a Crisis ("Crisis Measures")**

1. Where, save on medical advice acceptable to the Company, an employee has failed or refused at the date hereof or fails or refuses hereafter to be vaccinated against Covid19 or where an employee refuses to accept and act on any other Crisis Measure he or she will be subject to the following action at the discretion of the Directors:
  - a. To take vacation leave
  - b. Suspension
  - c. Termination of employment with notice
  - d. Termination of employment without notice (where the law permits)
2. The provisions of Sections 3 and 4 shall not apply to any employee to whom paragraph 1 of this Section applies save with the approval of the Directors.

### **SECTION 3**

#### **Payment to and duties of Employees during total or partial closure of business.**

1. Subject to Sections 2 and 5, Monthly Paid Employees who suffer loss of regular pay:
  - a. Will receive during total closure of business for any period during or as a result of a Crisis, ex-gratia payment(s) up to a maximum of 4 weeks regular pay in any year. However, in order to qualify for such ex gratia payment(s), employees must be or must have been available to physically report to work if or when called upon to do so during the period of closure.
  - b. Will work from home, if possible, and will receive regular pay for work done in accordance with their task based workplan, which will be created and monitored by the Department Manager or Director. Will not be paid for work not completed or done.
  - c. Will return to the physical workplace with the approval of the Directors and will receive regular pay for time worked.
  - d. Will not receive regular pay if unable to work remotely or if unable to return to the physical workplace with the approval of the Directors.
2. Subject to Sections 2 and 5 Bi-weekly Paid Employees who suffer loss of regular pay:
  - a. Will receive during total closure of business for any period during or as a result of a Crisis ex-gratia payment(s) up to a maximum of the average of two biweekly payments in any year. However, in order to qualify for such ex-gratia payment(s), employees must be or must have been available to physically report to work if or when called upon to do so.
  - b. Will work from home, if possible and at the discretion of the Directors, and will receive regular pay for work done in accordance with their task based workplan, which will be created and monitored by the Department Manager or Director. Will not be paid for work not completed or done.
  - c. Will return to the physical workplace, if possible and at the discretion of the Directors, and will receive regular payment for time worked.
  - d. Will not receive regular pay if unable to work from home or return to the physical workplace.

## **SECTION 4**

### **BENEFITS**

1. Sick Leave or Mandated Quarantine (subject always to Section 2):
  - a. Upon submission of a certified medical leave form or an official document from the Ministry of Health certifying mandated quarantine, employee will receive 35% of regular pay. The Company reserves the right to refuse payment if Section 2 applies or if the employee breaches any policy and or submits a false claim.
2. Vacation Leave (subject always to Section 2):
  - a. Where an employee is unable to work from home or is unable to resume duties at the physical workplace, that employee may be placed on vacation leave for any period of vacation available to him or her.
  - b. Where an employee's vacation leave has ended and he is unable to return to work, either by working from home or at the workplace, he/she will remain at home without regular pay.

## **SECTION 5**

### **PARTIAL CLOSURE**

In cases of partial closure, the Directors shall decide which members of staff are required to work and when.