

Annual report 2019

Social Economic Council
Sociaal Economische Raad





ANNUAL REPORT 2019 OF THE SOCIAL ECONOMIC COUNCIL OF SINT MAARTEN
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Foreword

As the Chairman of the Social Economic Council of Sint Maarten, hereafter referred to as (SER), I would like to thank the board and staff for their professional and excellent service to the Government of Sint Maarten. As representatives of crucial sectors we strive to create a consensus on social- economic matters. In order to provide a clear description of the impact achieved by the SER, I would like to reflect on the various activities that contributed to this historical and successful year.

Almost ten (10) years since this country's revised constitutional status, the SER has analytically implemented an action plan-based approach as a guideline for the execution of our principal role as the advisory body on social-economic matters to the Government of Sint Maarten.

In the wake of hurricane Irma and the many plans that have been established to facilitate the total recovery of our social and economic

affairs, the SER recognized the dire need for an uninterrupted contribution to the ongoing contextual issues that are present to date. As a committed advisory body, we have maintained our integrity and devotion to our country and its Government. Our level of commitment can be derived from the nature and content of solicited and unsolicited advices submitted by the SER to Government.

An important illustration of the latter can be deducted from the advice "Data Matters". The core purpose of the advice is to demonstrate the value of data for the transition process within the construct of our young and developing country.

The SER will continue to strive, develop and maintain a proactive approach with the Government and the Parliament of Sint Maarten. We will continue to provide social and economic advice that will, as a principle, endeavor to express a sustainable quality of life for all the citizens of our country.



ir. Damien D.E. Richardson
*Chairman of the Social Economic
Council of Sint Maarten*

1

The Social Economic Council





1.1 Institution.

As part of the Constitution of Sint Maarten and as one of the required organic laws, on October 10th, 2010, the National ordinance Social Economic Council AB 2010, GT no. 19 became effective, establishing the Social Economic Council of Sint Maarten.

1.2 Advisory task.

The task of the SER is to; advise the Government on important topics of social-economic nature¹. Based on the National ordinance Social Economic Council AB 2010, GT no. 19 the Council provides its advice upon the written request of one or more Ministers. The Council may also provide unsolicited advice to the Government whenever the Council deems it necessary.

1.3 Operating procedure and objective.

The SER is a tripartite advisory body that, in the process of bringing about its advice, works conscientiously to render a realistic account of its viewpoints on the social economic matters in our society; viewpoints that have significant implications. The implications from the legal, financial and social-economic perspective are directives in this framework.

Moreover, within the scope of its advisory function, the SER employs a broad-based concept of welfare. Broad based support for the social-economic policy is essential for a stable and enduring development of our country. During the SER board meetings, the aim of the board is to reach consensus concerning social-economic issues that otherwise, in a separate setting, would be conducive to divergent opinions and potential disputes that could have a negative effect on the implementation of draft policy or statutory regulations.

As an advisory and consultative body of employers, employees and independent experts, the SER aims to contribute to the societal welfare by arriving at mutual consensus concerning issues in the social-economic sphere. In the process, the SER strives for quality and broad support by combining: a high degree of expertise combined with social support.

¹ See article 2 paragraph 1 of the National ordinance Social Economic Council AB 2010, GT no. 19



2 The Council



2.1 Composition.

Article 3 of the National ordinance Social Economic Council AB 2010, GT no.19, stipulates that, the Council consists of nine members, including three representatives of employers' organizations, three representatives of employees' organizations and three independent members (independent experts). The independent members are nominated by the Minister of General Affairs. A substitute member is appointed for each member. All eighteen Council members are appointed by national decree for a period of three (3) years.

In the year under review several mutations transpired in the composition of the board of the SER.

In July 2018 Mr. Merrill Temmer, representing the employee organization the Windward Islands Civil Servants Union/Private Sector Union (WICSU/PSU) resigned as member. Mr. Aurillio Baly filled the vacant position of member in January 2019. Mr. Merrill Temmer was appointed as a substitute member in January 2019.

In July 2018 Ms. Brenda Brooks, representing the employers' organization The St. Maarten Chamber of Commerce and Industry (COCI) resigned as a substitute member. In January 2019 Mr. Benjamin Ortega was appointed as a substitute member representing the COCI.

In October 2018 Mrs. Mandy Daal-Offringa resigned as a member of the SER. The position of member independent expert became available and was filled in February 2019 by Mrs. Patricia Philip-Lourens.

In February 2019 Ms. Linda Richardson resigned as a substitute independent expert when she attained the age of seventy years². The position of substitute member independent expert was filled in March 2019 by Mr. Rodney Washington.

In July 2019 Mr. Stanley Lint representing the employers' organization the COCI resigned as a member. In October 2019 Ms. Makichia Brooks filled the vacant position as member.

All above-mentioned members resigned upon their own request and were granted honorable discharge by means of national decree.

According to article 12 paragraph 2 of the National Ordinance Social Economic Council AB 2010, GT no.19, persons who are appointed as members or substitute members in order to fill a vacancy in the interim shall step down on the date on which the person whose seat fell vacant should have stepped down.

² Article 8 paragraph b of the National ordinance Social Economic Council AB 2010 GT no. 19



As of December 31st, 2019, the composition of the board was as follows.

Members

Mr. ir. Damien RichardsonIndependent expert
 Mrs. Alicia Liverpool-Jobity.....Independent expert
 Mrs. Patricia Philip-LourensIndependent expert
 Mrs. Eveline Henriquez-DijkhoffzSint Maarten Hospitality & Trade Association (SHTA)
 Ms. Makhicia Brooks, MScCOCI
 Mr. Louis ButeCOCI
 Mrs. drs. Shirley Gregoria-PantophletThe Windward Islands Federation of Labour (WIFOL)
 Mr. Theophilus ThompsonWIFOL union
 Mr. Aurillio BalyWICSU/PSU

Substitute members

Mr. Ivan DavelaarSt. Maarten Communication Union (SMCU)
 Mr. Merrill Temmer.....WICSU/PSU
 Mr. Donald Webster.....Association of Staff Employees of the Windward Islands (ASEWI)
 Mr. Benjamin OrtegaCOCI
 Mr. Georges GreauxSHTA
 VacantSHTA
 Mr. Rodney WashingtonIndependent expert
 Mr. Harlec DoranIndependent expert
 VacantIndependent expert

2.2 Remuneration board members.

In accordance with article 22 of the National ordinance Social Economic AB 2010, GT no.19, the members are entitled to a monetary compensation. Their stipend is further explained in the National decree, containing general measures, from December 14th, 2017 concerning the financial provisions of the members, their substitutes and the Secretary-General (SG) of the Social Economic Council.

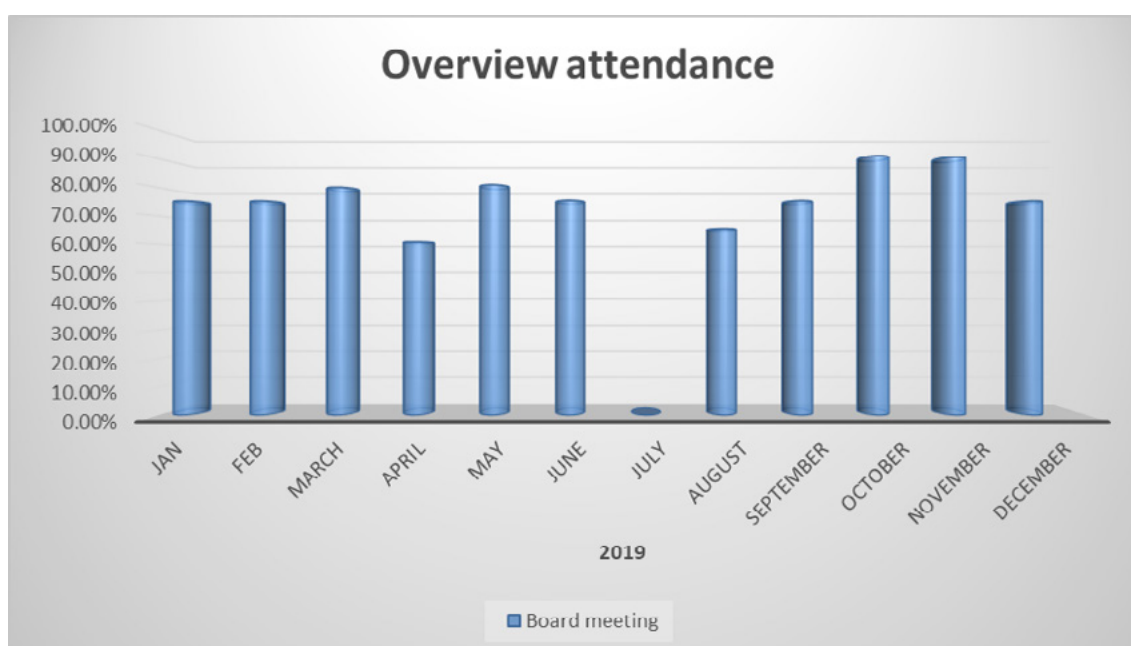
SER members only receive a compensation for the meetings they attend, with a maximum compensation of 2 meetings per month, while SER substitute members now only receive a remuneration when they substitute for their member.

Budget post	Budget 2019	Actual expenditure	Balance
Remuneration	ANG 135,600	ANG 100,250	ANG 35,350



2.3 Council meetings.

In general, the Council meets twice a month, on the second and fourth Thursday of the month. However, the Chairperson shall convene meetings whenever he or she deems it necessary or appropriate, stating the matters to be discussed³. In the year under review, the Council was convened twenty (22) times. The average attendance rate for all meetings in 2019 was 70%.



Graph of attendance of the board members in 2019. There was 1 meeting scheduled for the month of July, but due to a lack of quorum the meeting was postponed.

2.4 Ministry of General Affairs.

On August 22nd, 2019 the SER filed a complaint with the Ombudsman against the SG of the Ministry of General Affairs. In addition, the SER has requested the Ombudsman to launch an investigation with regard to irregularities at the department of Legal Affairs & Legislation.

On November 1st, 2019 the SER gave the Government its six months' notice as it pertains to the termination of its Service Level Agreement (SLA).

³ See Article 13 paragraph 1 of the National ordinance Social Economic Council AB 2010 GT no. 19



3

The Secretariat

3.1 Personnel.

The staff of the secretariat is appointed, suspended or dismissed by national decree, upon the Council's recommendation⁴. As of December 31st, 2019, from the six (6) functions five (5) positions were filled fulltime until June 1st, 2019. One of the policy advisors resigned as of June 1st, 2019. As of August 21st, 2019, a policy advisor joined the SER. In the year under review there remains one vacancy for the position of policy advisor.

3.2 Performance management.

Concerning the performance management, the SER functions the same way as the government. Performance management is a concept, whereby the performance and competences of staff members are guided. In the year under review, the staff was evaluated during three phases. A planning phase, an interim evaluation phase and a final evaluation.

The functioning of the SG is evaluated based on article 8 of the Rules of order of the Social Economic Council AB 2011 no. 34. The evaluation is done by the Council.

3.3 Training sessions and courses.

The secretariat completed a training workshop as Emergency First Responders and fire prevention. Over a two-day course, the staff were trained in non-emergency first aid, emergency first aid, firefighting, and evacuation. All employees are officially certified in First Aid and are better equipped to deal with a fire emergency.



In this picture from left to right: SG, G. Richardson, training instructor, Mr. Richard J. Hodge, Policy advisor, C. Vlaun, and Senior policy advisor, S. Arnell. Not in the picture but also certified is office manager, U. Salomon.



4

Financial
Management



4.1 Budget 2019.

The SER specifies its budget annually⁵. After approval by the Council, the budget is subsequently submitted to the Minister of General Affairs and the Minister of Finance.

The Government has allocated a budget of ANG 1,352,132 for the year 2019 to the SER.

4.2 Budget realization.

The actual expenditures and differences are provided by the Finance Department. During the compilation of the annual report 2019, the amounts could not be verified as Government's 2019 financial statement is not yet available.

Budget post	Budget 2019	Actual expenditures	Balance
Personnel expenditures	ANG 845,919	ANG 737,592	ANG 108,327
Material costs goods and services	ANG 520,200	ANG 510,535	ANG 9,665
Total costs	ANG 1,366,119	ANG 1,248,127	ANG 117,992

There is a difference of ANG 108,327 in personnel expenditures due to the vacancy of the policy worker which was not filled during the course of the year. In addition, as of June 1st, 2019 one of the policy advisors resigned.

The material costs were less than initially budgeted. The difference of ANG 9,665 is ascribed to the reduced spending of the budget posts Business travel and Training.

The SER remained within the budgeted amount of ANG 1,366,119.

⁵ See article 23 paragraph 2 of the National ordinance Social Economic Council AB 2010, GT no.19.



5

Joint symposium
Aruba, Curacao
and Sint Maarten

5.1 Preparation meeting Migration Symposium 2019.

In the month of April 2019, the SG of SER Sint Maarten, attended the Migration Symposium preparation meeting at the SER in Aruba. This was the second official planned team meeting to discuss the topic and logistics of the joint symposium. During the preparation meeting, the SG of SER Sint Maarten held a presentation on the topic of labor migration on Sint Maarten.

5.2 Migration Symposium”: Migration and Socio-economic Development Policy challenges and options.

On May 9th and 10th, 2019 a joint symposium on migration, was convened under the auspices of the Social Economic Councils (SERs) of Aruba, Curacao and Sint Maarten. The two-day event was held at Avila Beach Hotel on Curacao. We were very pleased to partner with the SERs of Aruba and Curaçao, based on a joint instructional mandate from the Prime Ministers of the three (3) respective countries which resulted in a joint Symposium called “Migration Symposium”: Migration and Socio-economic Development Policy challenges and options.



Chairman D. Richardson presenting his views.



Senior policy advisor, drs. Ing. S. Arnell Presenting her views on migration

The keynote speakers were representatives of the International Organization for Migration (IOM), the Migration Policy Institute (MPI), Caribbean Migration Consultations (CMC), United Nations High Commissioner Refugee (UNHCR), the Canadian Embassy in Bogota, the University of Curaçao, the University of St. Martin and the Think To DO Institute of Curacao. The President of the University of St. Martin (USM), Prof. dr. Antonio Carmona Báez presented a review of current border issues, demographics and migratory patterns as they relate to the hybrid systems of higher education and accreditation across the Kingdom of the Netherlands.

On the second day of the joint symposium discussions continued, Sint Maarten is no stranger to migration as the number of immigrant arrivals has increased over the years. Many of those migrants are dealing with great economic hardships in their respective countries. During the presentations and discussions, topics such as: human mobility, economics, work, employment, integration, insecurity, diversity and minorities, as well as culture, the legal and political aspects, were recurring highlights.



Prior to the conclusion of the symposium, a panel discussion took place, during which different stakeholders were given the opportunity to share their views on the social economic challenges and potential benefits of migration. It was agreed that migrants have contributed to the cultural diversity, the economic and social development of the three countries. In addition, migration once managed properly, can be seen as a catalyst contributing factor to sustainable development of countries. The SER presented its findings in a report to the former Prime Minister, L. Marlin-Romeo.



In picture: delegates of the SERs of the Dutch Caribbean



In this picture L to R: Chairman, ir. D. Richardson, former Prime Minister/ Minister of General Affairs, L. Marlin-Romeo, SER SG G. Richardson



6

Local and
international
contacts



In 2019 the SER continued to strengthen its ties with its local and international partners. On July 15th, 2019 the Chairman was interviewed by the host of the radio program "Inside Government". The purpose of the interview was for the Chairman to provide information on the role and work method of the SER.



In this picture L to R: Broadcast journalist, C. Dunker and Chairman ir. D. Richardson

On Tuesday, August 13th, 2019, an introductory meeting was held between the SG's of the SER and the Committee of Civil Servant Unions (CCSU). The purpose of the introductory meeting with the CCSU was to explore possible future collaborations, on important social economic matters.



In this picture from L to R: SER SG, G. Richardson and CCSU SG, S. Laville-Martis.

On April 17th, 2019 the department of Legal Affairs & Legislation organized information session for civil servants titled: 'Meet your advisory bodies'. The purpose of the meeting was for the High Councils of State and SER, to provide information on their respective institutions.



In this picture from L to R: SG of the General Audit Chamber (GAC), K. de Jong, SG of the Council of Advice (COA), A. Baly, former department head of Legal Affairs & Legislation, J. Pawirodihardjo-Fer, SG of the Ombudsman, R. Duggins, SER SG, G. Richardson.

On September 19th, 2019 the SER in collaboration with the University of St. Martin (USM) organized a lecture titled "The Venezuelan Migration in the Caribbean; problem or opportunity". The purpose of the lecture was to discuss the events of the Venezuela crisis and its effects on the Dutch Caribbean community with special attention to Sint Maarten.



In this picture from L to R: Keynote speaker, Professor Gerardo González, Venezuelans nationals, USM president, Dr. Antonio Carmona Báez

On October 9th, 2019, the SER of Sint Maarten was re-elected to the international board of the International Association of Economic and Social Councils and Similar Institutions (AICESIS) during its General Assembly in Romania.



In this picture from L to R: Chairman, ir. D. Richardson, SG, G. Richardson.

On October 15th, 2019 the Chairman and SG of SER Sint Maarten together with the SG's of the SER of Aruba and Curaçao, were on a work visit to the SER in the Hague. The delegation was received by Chairperson of SER Netherlands, Mrs. M. Hammer and Acting Secretary-General, Mr. M. Bos.



In this picture from L to R: SG of SER Sint Maarten, Mr. G. Richardson, Chairman ir. D. Richardson, Chairwoman of SER Netherlands, Mrs. drs. M. Hamer, SG Aruba, drs. F. Bijlhout, SG Curacao, drs. R. Henriquez and Acting SG SER Netherlands, M. Bos

On October 26th, 2019, the SER participated for the second time in the innovative networking conference SMILE. The conference was mainly aimed at the private sector and non-governmental organizations, but professionals working in governmental institutions and interested students also joined to learn, gain inspiration and make use of network opportunities.



Team SER at the 2019 SMILE conference



7 Advice



In the year under review, three solicited advice requests were sent to the SER for advice, in addition to the solicited advice request received the SER submitted two unsolicited advice to the government.

7.1. Solicited advice on the feasibility for the development of the creative industries and sports tourism.

The SER received the solicited advice request and further relevant documentation on June 5th, 2018. In the period of June until December 2018, the SER dealt with two urgent advice requests which required in depth and extensive deliberations. As a result, the advice was delayed and submitted to government on February 8th, 2019.

To read the advice kindly access the link below.

<http://ser.sx/wp-content/uploads/2019/08/Letter-of-Advice-concerning-the-feasibility-for-the-development-of-the-Creative-industries-and-Sports-Tourism.pdf>

7.2. Solicited advice on draft national decrees concerning the indexation of general old age insurance for the years 2014 – 2019 and the draft national decrees concerning the indexation of the widow and orphan insurance.

On September 12th, 2019, the SER received an urgent solicited advice request from the caretaker Prime Minister, W. Smith. The advice request concerned the draft national decrees regarding the indexation of general old age insurance for the years 2014 up to and including 2019 and the draft national decrees regarding the indexation of widow and orphan insurance. The SER submitted the advice to government on October 30th, 2019. During the compilation of the annual report 2019 this advice was not made public by the government ⁶.

7.3 Solicited advice concerning the draft ordinance amending the National ordinance concerning General Old Age Insurance and the National ordinance concerning General Widow and Orphan Insurance related to the increase in the old age pension and the retirement age to 65 years.

On October 28th, 2019, the SER received the solicited advice request from the Acting Minister of Public Health, Social Development, and Labor Mrs. Leona M. Romeo-Marlin concerning the draft ordinance amending the National Ordinance Concerning General Old Age Insurance and the National Ordinance concerning Widow and Orphan insurance related to the increase in the old age pension and the pension age to 65 years. The SER submitted the advice to government on December 19th, 2019. During the compilation of the annual report 2019 this advice was not made public by the Government.

⁶ See article 10 paragraph 2 sub b National ordinance open government AB 2010 no. 26. Advisory reports on all other drafts other than draft national ordinances for which publication in the Official Publication is required: at the same time as the publication;



7.4. Unsolicited advice the National Ordinance Admittance and Expulsion with respect to the refund of levies.

Levies are payments for services rendered to citizens by the government⁷.

These services rendered are in the individual interest or benefit of the person making use of that service. The revenues from levies are used to guarantee or increase the quality of services rendered, and/or to cover direct and indirect costs. Revenue from a levy should not exceed costs; in other words, no profit should be made on the rendering of government services. On the other hand, however, the revenue from levies should be cost effective. The SER submitted the advice to government on

April 8th, 2019. To read the advice kindly access the link below.

<http://ser.sx/wp-content/uploads/2019/12/20190408-LOA-Min-Jus-VHCW-NOAE-refund-levies-8-apr-2019.pdf>

7.5. Unsolicited advice Data Matters

This letter of advice entitled "DATA Matters: The value of data to sustainably transform our society" is an unsolicited advice for the government of Sint Maarten. Assuming its institutional role to strategically advise government on sustainable development and improve the quality of life of citizens, the SER wishes to highlight and underscore the importance of DATA as a valuable contributor to the sustainable social-economic development of Sint Maarten. The SER submitted the advice to Government on October 30th, 2019. To read the advice kindly access the link below.

<http://ser.sx/wp-content/uploads/2020/01/20191030-LOA-W.-Smith-P.-Geerlings-S-Johnson-C.-Wever-DATA-Matters-30-okt-2019.pdf>

⁷ See article 1 of the National ordinance on Levies, AB 2014 no. 23

