



Formal meeting of the Ascension Island Council

16:30 on Thursday 10 April 2025 at the Courthouse

MINUTES

Present: HE Acting (Ag) Governor, Tasha Harris [remotely] Councillor Kyla Benjamin
HH Administrator, Simon Minshull Councillor Alan Nicholls
Peter Thomas, Director of Resources Councillor Laura Shearer
Ag Attorney General, Andrew Dawson [remotely]
Ag Crown Counsel, Daniel Weight [remotely]

In attendance: Head of the Administrator's Office, Martin Hogg
Locum Senior Crown Council, Gareth Rhys. [remotely]
FCDO Desk Officer, Falkland and Ascension Team, Chrystele Todd [remotely]
Clerk of Council, Georgina Wilson

Apologies:

1. Welcome

HH the Administrator welcomed all parties present and those attending remotely.

2. Sick Leave Policy

Ag Crown Counsel Daniel Weight (DW) introduced the explanatory Memorandum and draft sick leave regulations. DW explained that Council had previously stated its intent for sick leave regulations under the Ascension employment ordinance 2022. The draft regulations require employers to provide a minimum of 10 days per year of paid sick leave entitlement which cannot be deducted from annual leave entitlements. Gareth Rhys (GR) Locum Senior Crown Council) explained that aspects in the draft legislation require further development. GR provided an update on the issues he had identified within the draft legislation.

Issue 1: GR questioned who was to provide medical evidence to support any period of sick leave in excess of the 10 days sick leave entitlement and that a definition is required to which medical practitioners may provide medical evidence.

Issue 2: The taking of sick leave beyond the contractual minimum – to what extent might there be a deduction made from wages or annual leave where long-term sick leave is required.

Issue 3: termination of contract during long term sick leave. There needs to be consideration of whether or not someone can be dismissed for long term ill-health or incapacity, and this needs to be clearly set out in the regulations.

Issue 4: Medical referrals overseas – this could lead to long term absence from island. Further work on the wording of the legislation is needed to clarify. The Employment Ordinance 2022 states that the employing organisation retains responsibility for employees who are on medical leave overseas until they return to Ascension (or territory of return). GR highlighted that this could be onerous on the employer. GR asked to what extent does "responsible for the employee" mean in this context?

GR confirmed that the draft requires final refinement by the legislative drafter before it can be put forward to

Council to be recommended to the Ag Governor. The Administrator thanked GR for his comments and asked the Ag Attorney General, Andrew Dawson (AD) to provide comment.

AD thanked GR for his hard work on the legislation and regulations, and highlighted the need to keep things simple and straightforward for practical application purposes when dealing with Ascension Island. Acknowledging the different cultures, a sensible approach is needed to show that the Ascension Island Government is being sensible and pragmatic in dealing with this issue of sick leave, and producing something that works for everybody. AD agreed with GR that further items needed work such as determining how long the employer is responsible for the employee, and the risk that sick leave entitlement could be taken when people are not sick. AD highlighted that it was important to draft matters in a way that ensured that employees and employers act fairly and reasonably. He appreciated that the task of implementing a minimum sick leave entitlement was a much more difficult task than what it was when first presented. AD appreciated that Councillors had waited some time for this to be implemented and apologised for the delay in getting this to Council. AD suggested that, over time, further policy development may be required.

The Administrator thanked AD for his comments, and opened the floor to Councillors for comments.

Councillor Alan Nicholls (AN) asked if the Medical Practitioners (Ascension) Ordinance, 1910, would be helpful in helping to define who would be eligible to sign medical certificates. AN suggested that removing the wording “registered” and rewording the draft to define who is eligible to work on Ascension Island as a medical practitioner. AN raised the point that in the past, organisations required people coming back off sick leave to sign a self-certify certificate when they immediately return to work so sick leave could be monitored by employing organisations and that they had an appropriate record of time off by employees. This previously included reasons why they were off, but felt that this wasn’t always necessarily needed.

AN suggested that the draft legislation should include an obligation of employees to inform their employer as soon as reasonably practicable if they are off sick. AN referred to an employment ordinance from the Cayman Islands and highlighted that some of the provisions they include have some relevance to Ascension Island, and could be considered.

The Administrator thanked AN for his comments, and referred back to GR for comment. GR agreed to review the reference to the 1910 Ordinance. GR highlighted that he would include any comments or suggestions from the Council in the draft.

AD raised a comment about the registered practitioner point, he asked the Council to consider a case whereby an employee may be off Ascension Island, and seeks medical advice from the country they are in, and they are signed off sick while they are on leave. AD stated that he would ensure there would be sufficient flexibility within the legislation to avoid potential abuse of the system.

The Administrator agreed with AD’s point, and explained that AIG has also considered this issue, and agreed that further considerations would be discussed with the drafter.

The Administrator opened the floor for comment. Councillor Laura Shearer (LS) explained that she looked forward to a more thorough discussion in the follow up at the Informal council meeting on 14 April 2025. LS highlighted the short notice of the regulations being sent to councillors limiting the time to review fully, but looked forward to further discussion.

Director of Resources Peter Thomas – (DoR) provided a brief comment on the background of the legislation which came from requests from councillors on behalf of their constituents to ensure that all employees were entitled to at least 10 days paid sick leave which could not be deducted from their annual leave entitlement. The DoR stated that the regulations would be minimum requirements and that a consultation exercise had been carried out to the proposed regulations. The DoR highlighted that a general discussion of what is reasonable and fair between the employee and the employer would become very complex if regulatory requirements were considered to all potential nuances in relation to sick leave requirements. If further significant regulatory requirements were considered, above those included in the consultation exercise, further consultation would need to be carried out by AIG. The DoR advised is that this legislation needed to be practical for Ascension, and focus on its main purpose - to ensure the protection of the 10 days paid sick leave entitlement (without deduction

from other leave entitlement) that councillors are seeking. The DoR agreed with the suggestions for further discussion presented by GR.

The Administrator opened questions to those joining remotely. DW commented that the Informal meeting planned for Monday 14th April will be beneficial in resolving some of the issues highlighted. The Administrator explained that after the Informal meeting on Monday, an extraordinary Formal meeting could be called for the legislation to be put to Council to recommend to the Governor for approval. Councillors agreed that further consideration and revisions were required to the draft legislation before it could be put to a vote.

The Administrator sought Councillors' agreement to continue work on the draft in an Informal meeting on 14 April 2025. All Councillors agreed.

The Administrator asked the Ag Governor to accept the Council's recommendation that work should continue on the draft and that, if completed, an extraordinary Council meeting would be convened for the legislation to be voted on.

HE the Ag Governor Tasha Harris thanked Councillors, AIG and AG's Chambers for their flexibility and work on this draft legislation and agreed with the Administrator's proposal. HE the Acting Governor highlighted that the bulk of the legislation was ready but the key bits which have not been resolved are important and substantive. She appreciated the efforts to get the legislation through before Council is dissolved on 16 April.

The Administrator welcomed any additional comments from the Ag Attorney General and Ag Crown Council. AD commented on the importance of consultation to any new legislation. The Administrator advised that employing organisations will have two months to implement legislative changes.

GR commented that the issues raised were important to consider and urged Councillors to think about the comments in the draft to ensure that there is limited scope of unintended consequences when discussed at the next meeting.

The Administrator thanked GR for his time. GR left meeting at 17:04.

3. Approval of Minutes

Decision: The minutes of the Formal Council meeting held on 27 March 2025 and published on 07 April 2025 were accepted and in accordance with the Council Rules these were agreed by Council members.

4. Matters arising

Matters arising were addressed via the Action Tracker. There were three topics on the tracker which were discussed as follows:

Sick Leave Policy: This has been discussed in detail during meeting and next steps confirmed.

Future vet visit plans: AIG continue to work with the Falklands Islands Senior Veterinary Officer to confirm details for the future vet visit, which is hoped will still take place in May 2025.

Domestic Violence Legislation: Council requested that legislation be published and awareness raised among the community. HoAO Martin Hogg confirmed that steps had been taken to update the website to include the legislation and a Public Notice is being prepared. HoAO also confirmed that the Social Worker and the Police were aware of and would assist in raising awareness of the legislation.

5. Oxford Research Visit

HoAO explained that the Oxford Research Group visited the island in October 2024 and has applied for a Research Permit to undertake additional research. Following discussions with Council, the Oxford Research Group had amended their research permit request to include an independent researcher from the University of Bath specialising in environmental psychology. The specialist will assist in the objective collection and assessment of

views of key stakeholders and the community on the Island. The HoAO highlighted that feedback and suggestions made by Councillors had been welcomed and acted on by the Oxford Research Group with their Research Permit application amended to reflect these changes.

Councillor AN asked for clarification on the purpose of the visit. The HoAO confirmed that the purpose of the visit was for infrastructure assessment and to gather the views of the various community stakeholders, residents and council. AN said he was pleased that Councillors views had been considered and that an environmental psychologist had been added to the permit. Councillor LS was grateful for the additional meeting Council had with the Oxford Research Team to understand more about the project, but highlighted that when the team arrive plan to arrive in early May, there will be no Council to engage with due to the dissolution of Council. The Administrator agreed with the comment and suggested that Councillors will be able to engage with the research team as members of the public. He further explained that engagement with the community is important and AIG will work with the research team to ensure that opportunities for community engagement are provided, including a public presentation, a notice in the Islander and public notices of planned events. AN asked about an article that was expected to be published in the Islander following the team's visit in October. The Administrator confirmed that AIG would follow up on that.

6. Any other business

There were two items of **other business**:

- i. **Joint Ministerial Council:** Councillor Nicholls confirmed the date for the Joint Ministerial Council (JMC) would take place between 24th-28th November. The pre-JMC would be held virtually in June. The date for this to be confirmed.
- ii. **Formal thanks and farewell to Councillors:** Councillor Nicholls highlighted that this would be the last formal meeting of the Ascension Island Council before dissolution. He thanked everyone for their support during his time on council, with special mention to the previous Clerk of Council), Councillor Nicholls further highlighted that he had enjoyed his experience as a councillor working with all members and offered special thanks to his two remaining councillors, Councillor Laura Shearer and Councillor Kyla Benjamin. The Ag Governor expressed thanks on behalf of the Governor recognising this was the last scheduled Formal meeting of the Council and thanked all involved for their inputs.

7. Proposed dates of next meetings:

Informal Council meeting – 14:00 on 14 April 2025

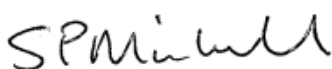
Extraordinary Formal Council meeting – TBC

The Administrator thanked all involved in preparing the legislation for their efforts and highlighted the need for the legislation to carefully considered and completed.

There was no further business and the meeting ended at 17:17

Georgina Wilson
Clerk of Council

I certify that this is a true record of the meeting to which it relates.



Simon Minshull

On behalf of HE the Ag Governor, Mrs Tasha Harris