

CONFIDENTIAL

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No.

MINUTES OF THE 141st MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 21st JUNE 2023 AT 9.00 AM

- PRESENT: Acting Governor, Mr Perin Bradley
Acting Deputy Governor, Mr Karim Hodge
The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge
The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism and acting Premier, Mr Haydn Hughes
The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
The Honourable Attorney General, Mr Dwight Horsford
Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull
- ABSENT: The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster
The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers

EX MIN 23/202

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 140th Meeting of Executive Council held on Thursday 15th June, 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/203

EX MEMO 23/162 REVISED ANALYSIS OF MAXIMUM SALE PRICE ON GASOLINE FOR DELTA PETROLEUM (AXA) LTD, SOL ST. LUCIA (ANGUILLA) LTD. AND ANGUILLA GASES LTD.

Parliamentary Secretary and Financial Specialist remained.

Ex Min 23/30 refers to the last price review. The Acting Premier briefed Council. A routine analysis of the current fuel import data has been undertaken.

Considering the relevant factors, optimal selling prices for gasoline are currently EC\$17.24, EC\$16.06, EC\$15.55 and EC\$16.84 for Sol St Lucia (Anguilla) Ltd., Delta Petroleum (Anguilla) Ltd., Anguilla Gases Ltd. (regular) and Anguilla Gases Ltd. (premium) respectively. These prices bring about an EC\$0.31 and EC\$0.52 increase from the current maximum gasoline price order for Sol St Lucia (Anguilla) Ltd. and Delta Petroleum (Anguilla) Ltd. respectively, while bringing about an EC\$0.64 and EC\$0.10 decrease from the current maximum gasoline price order for Anguilla Gases Ltd. (regular) and Anguilla Gases Ltd. (premium).

Council:

- 1) approved the imposition of the following maximum price orders on the sale of gasoline, starting June 21, 2023:
 - EC\$17.24 per imperial gallon for Sol St Lucia (Anguilla) Ltd;
 - EC\$16.06 per imperial gallon for Delta Petroleum (Anguilla) Ltd;
 - EC\$15.55 per imperial gallon for Anguilla Gases Ltd. (regular); and

- EC\$16.84 per imperial gallon for Anguilla Gases Ltd. (premium).

Prior to the Order taking effect, the fuel suppliers shall be informed of the proposed price order and shall be given an opportunity to provide further information. The Ministry will continue to review the price orders as new information from the fuel suppliers and pertinent data on fuel import costs is obtained; and

- 2) instructed the Attorney General's Chambers to prepare the Orders and Notice of extension of Regulations for the period July 1, 2023 to September 30, 2023 for the signature of the Minister.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, EDMSIE; HON, PREM

EX MIN 23/204

EX MEMO 23/163 APPROVAL OF MINIMUM WAGE

Parliamentary Secretary and Financial Specialist remained. PS, Home Affairs, Dr Aidan Harrigan and members of the Minimum Wage Advisory Committee ("MWAC"), Dr Wycliffe Fahie, Mrs Jacqueline Bryan-Niles and Mrs Jo-anne Hodge joined the meeting.

In June 2022, Executive Council in accordance with Part 4 of the Labour (Relations) Act 2018 (the "Act") approved the appointment of the Minimum Wage Advisory Committee. The MWAC has carried out its work in accordance with the provisions of the Act and its formal report is now presented. The MWAC recommends that a National Minimum Wage ("NMW") of EC\$16.15 per hour should be adopted.

In accordance with Part 4, Section 81(1) of the Act, once a NMW rate is approved Executive Council shall cause the rate recommended to be published in the Gazette and the public shall be given a period of at least one month in which to make any representations thereon in writing. Section 81(2) of the Act further states that after consideration of the recommendations of the MWAC and the representations of the public, the Executive Council may issue an Order prescribing the minimum rates of wages payable and any other related matters.

The Ministry of Labour recommends that the NMW be brought into effect September 1, 2023. In keeping with good governance, transparency and accountability it is intended that the Hon Minister for Home Affairs with responsibility for Labour will table a Substantive Motion in the House of Assembly to allow for wide ranging debate and seek all party support for the implementation of the proposed NMW. The Ministry of Labour is planning a programme of public sensitization and a formal launch of the implementation of the NMW.

Council:

- 1) noted the following:
 - a) Dr Fahie's points on the methodology for deriving the NMW. Supply and demand, inflation and GDP were considered by the MWAC. The impact on different types of employers and small businesses was considered. USD\$6.00 (or the EC equivalent of EC\$16.20) was determined by the MWAC to be an appropriate amount, as it should not create a shock effect for employers or a windfall to employees;
 - b) that in the assessment of the economic impact of the NMW, some conclusions were not fully supported by empirical data. This would be a very involved process which would require consideration of many factors. The suggestion of the MWAC is to set the baseline and then assess the impact and review effectiveness after implementation, to see if any adjustment is needed. Up to date Census data that would be useful in the decision making process is not available. The poverty assessment is over 10 years old. The overall strategic objective taken was to compare the lower pay rates to the median pay rates. The NMW is usually more relevant to unskilled workers and is a social welfare support mechanism to ensure that a minimum standard of living can be achieved;
 - c) that the rate was set after consideration of the available data, noting that some employees are working for low rates under USD\$2.00 per hour. Noted that certain data to enable decision making should be available from the Anguilla Social Security Pension Fund actuarial report;

- d) regional comparison has been made, but was not presented and did not form part of the deliberations. It was noted that USD\$6.00 would appear to be the highest in the region, Aruba's NMW is USD\$5.58. The report should be amended to include regional comparison data, including an average basket of goods, including food, electricity and rent costs. Noted that the food import costs comparison would have an impact and this is different for each jurisdiction;
 - e) that the report at page 29 indicates a 21% increase in hourly rates for some sectors;
 - f) that every business will be affected and this includes Government;
 - g) that Social Security pension benefits will be affected as when pay increases, contributions also increase in line with the NMW implementation for low wage earners;
 - h) the cost of living is captured by the CPI. A large number of people work in the informal sector. The NMW will apply to all employees, irrespective of industry, employment status or age;
 - i) the impact on work permit renewals will be considered and applicants may be required to evidence that they have the means to sustain payment of the NMW when issued or renewed. Presently, the Department of Labour makes inquiries as to the means of applicants, but wishes to strengthen its position through legislation;
 - j) once a NMW is implemented it has to be paid, no matter what other benefits the employee may receive as part of the employment contract. There is no option to offset benefits in kind in lieu of wage payment; and
 - k) it is key that the NMW chosen is properly supported and justified by appropriate evidence and research;
- 2) noted that Government of Anguilla employees are not governed by the Labour (Relations) Act 2018, therefore a separate process is required to facilitate the NMW to Government employees. Unestablished workers and temporary workers that are not governed by General Orders

will also need to be considered. The Hon Minister for Home Affairs shall liaise with the Ministry of Finance to ensure that the proposal to implement the National Minimum Wage is extended to Government employees and associated costs are included in the MTEFP and 2024 Budget. If the implementation were to occur prior to January 1, 2024 a Supplementary Appropriation would be required as this has not been provisioned in the 2023 Budget;

- 3) approved the publication of the National Minimum Wage of EC\$16.20/USD\$6.00 per hour, as adjusted for real exchange rates, for the purposes of public consultation;
- 4) further approved the gazetting of the rate in accordance with Part 4, Section 81 of the Labour (Relations) Act 2018, with the provision of a 1 month period for comments to be made;
- 5) agreed that at the end of the 1 month period representations will be reviewed and considered and thereafter a final decision on the NMW rate shall take place;
- 6) approved a target implementation date for the NMW of January 1, 2024, to provide sufficient time for employers to prepare for its introduction;
- 7) agreed that following the representations in No.5 above, the draft Order effecting the National Minimum Wage shall be presented to Executive Council for consideration;
- 8) further agreed that the Hon Minister for Home Affairs with responsibility for Labour shall table a Substantive Motion to cause a debate in the House of Assembly on the implementation of a National Minimum Wage;
- 9) noted that the Minimum Wage Advisory Committee shall lead a review of the effectiveness of the National Minimum Wage and its relevance approximately one year from implementation, that is, around June 2025; and
- 10) formally commends the Honourable Minister for Home Affairs and the Minimum Wage Advisory Committee for the work done to deliver on the mandate in a timely fashion.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, PA; LAB, COMM; HON, AG; HON, MIN HA

EX MIN 23/205

EX MEMO 23/164 SANCTIONS REGIME

Parliamentary Secretary and Financial Specialist remained. Senior Crown Counsel, Ms Erica Edwards and FSC, Head of AML/CFT, Ms Ojeda Vanterpool joined the meeting.

Senior Crown Counsel briefed Council. As part of the CFATF Mutual Evaluation, Anguilla will be assessed in relation to its Sanctions Regimes. In an effort to increase understanding of the sanctions that are in place, the various regimes available and the purpose of the sanctions, the Anguilla National Anti-Money Laundering Committee (ANAMLC) has compiled a document.

The sanctions are issued by either the United Nations or the United Kingdom and they are all applicable to Anguilla. The document will have to be updated as and when sanctions are updated by the United Nations or the United Kingdom. The intention is that the document will be placed on various stakeholders' websites and it will be circulated to licensees of the Financial Services Commission ("FSC").

Council approved the Sanctions Regime and its publication.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/206

EX MEMO 23/165 NATIONAL RISK ASSESSMENT FOR RESIDENCY BY INVESTMENT

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. In 2016, the Residency by Investment programme was included as an activity in the United Kingdom Government approved 2016-2018 Medium-term Economic Reform Programme. The aim was to create a Residency by

Investment programme that was competitive, marketable and financially viable.

The key objectives of the Anguilla Residency by Investment Programme (“ARBI”) were to attract direct foreign investments into Anguilla; broaden the tax revenue base of the country; admit only applicants and businesses that meet the highest standards; and to strengthen the international competitiveness of Anguilla. After a successful implementation process, the ARBI received and processed its first set of applications in 2018. Since then, the ARBI has received a total of twenty-five (25) applications.

The Caribbean Financial Action Task Force’s (CFATF) assessors have indicated that during the on-site, focus will be placed on the Residency by Investment/High Value Resident Programme.

As such, the Anguilla National Anti-Money Laundering Committee (“ANAMLC”) with the assistance of the relevant persons involved in the ARBI programme conducted a risk assessment in relation to Residency by Investment/High Value Programmes.

The risk assessment contains the results in relation to the ML (money laundering) vulnerabilities and the overall ML risk of five (5) predicate offences. The threats, vulnerabilities and overall risk of terrorism and TF (terrorist financing) in Anguilla; the vulnerabilities and risk level associated with PF (proliferation financing) in Anguilla; vulnerabilities and overall ML risk level in relation to six (6) sectors and financial products; and the vulnerabilities and TF risk level associated with NPOs. A discussion as to the mitigating measures within the ARBI programme has also been held to decrease the risks identified within the report.

Council approved the publishing of the National Risk Assessment for Residency by Investment.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG
