

## Appendix: Deepening my letter on the collective labour agreement (CLA) in education

In my letter on the CAO in education I advocate:

- make European Dutch laws and regulations applicable in the Caribbean Netherlands;
- take sufficient time for consultation, information and implementation; do not rush;
- be alert to essentially different circumstances from the European Netherlands that may justify their own regulations.

It seems like a fairly straightforward recipe for how things should be done (at least, in my view). At the same time, there are comments to be made. Especially about how the recipe could or should be followed.

In recent years I have seen for myself how the European Dutch "intruder" (civil servant, researcher, specialist in this or that field, or whatever) does not take into account what he or she is doing and what effect this action has on the Statian (where I think this is actually no different on Saba and Bonaire; for the sake of caution I will limit myself here to my observations in the past eight years on St. Eustatius, during which I myself lived and worked on the island).

More than once there was that European Dutchman who had the wisdom and in a short time wrote down his or her findings in this or that report and with some self-satisfaction proclaimed that he or she now knew the island a bit (or: ...had seen it). After all, it is a small island so it needn't take more than a few days. Our former State Secretary - Knops - also had a habit of it: it had to be done this way-and-that, and within a short period of time; after all, we did not have all the time in the world. Incidentally, he himself admitted to being somewhat impatient.

It also seems to be a typically Dutch way of working: *this is the answer to the question or this report describes the way in which business should be adjusted, and then there we are*. The Dutch antenna is preferably and exclusively set to 'transmit' and the part that should take care of 'receiving' is off or (permanently) defective.

Properly considered, the whole intervention (as of February 2018) is one in which there was no consultation or discussion with the Statian, but matters lead to decisions above the Statian by; he has (had) no influence on them at all; it is as if he - the Statian - is watching a soccer match in which he is not even a player or a spectator, but just the ball that is kicked then again by this party, then again by another party.

Take, for example, the criteria that must be met to regain full control of one's "own" democracy. Out of the blue, the November 2018 progress report listed 12 criteria that the Statian island government had to meet. This was an exclusively European Dutch "thingy" that was conjured out of the top hat out of the blue. No preliminary consultations or anything. Nor, for that matter, any direct relationship with the report of the Commission of Sages, which preceded the intervention. So no action by the European Dutch side either....

Back to the CLA issue. There is no culture of consultation between school boards and teachers. Perhaps on an individual basis, but not in the sense of an organized consultation aimed at (to be developed or maintained) conditions of employment.

The Caribbean Netherlands should perhaps also better not be considered as one entity. Bonaire, St. Eustatius and Saba have their own educational structure and culture, with Papiements (Bonaire) and English (Saba and St. Eustatius) as the language of instruction. I was there when the language of instruction at the Gwendoline van Puttenschool on St. Eustatius switched to English in 2015. Although the 'trigger' came from local politics - the island is English-speaking and there was a need for an instructional language equal to that spoken by the youth, i.e. English - a solution came from the Netherlands that was not further discussed. The school board assumed that although the language of instruction was labeled English, the fact that there was a structural change involved (Havo, (V)MBO, etc. became CSEC, CCSLC, etc. in CXC jargon) was also a complete surprise to the school board. Then it took about six more years for the elaborate regulations to come into being (again: without consultation or input from those who would have to work with them; just decision-making poured out over St. Eustatius).

So where in the main I pretty much endorse the transition I mention in the opening words of this letter, I fear the implementation and elaboration without soul and feeling for those who eventually have to implement it all. This (European Dutch) government is not known for its exemplary "implementation" and "effect" as crucial steps in the policy cycle.

By way of illustration, just a little notion that comes to my mind from the phase when the Caribbean Netherlands had yet to be born. It will be clear that I am an advocate of a gradual transition to legislation and regulations as applicable in the European Netherlands. For reasons that are unclear to me, it was decided at the time to initially retain the Antillean laws and regulations. In my opinion not very smart if you want to end up at one point on the horizon, but good. Then the Lower House exists to project on that Antillean law some (very Dutch) adjustments: euthanasia, gay marriage and abortion would and had to be included in the Civil Code. The lack of empathy shines through when you consider that - at least St. Eustatius - has a conservative Christian community. Adopting the European Dutch laws and regulations with precisely a 'P.M.' on these three subjects would, in my opinion, have considerably increased the support for adoption (and fit the instrument "public entity").

By the way, I would be curious about the Council of State's interpretation of paragraph 4 of article 132a of the Constitution, which states: "*For these public entities, rules can be established and other specific measures can be taken in view of special circumstances which make these public entities essentially different from the European part of the Netherlands*". It is precisely that aspect of that essential distinction that touches me. That the BSN is not there because the municipal administration is simply different does not seem to me to be an essential distinction. That is simply a (wrong) human decision. That the climate is tropical with hurricanes as a common phenomenon does seem to me to be an essential distinction. Perhaps the explanatory memorandum to this constitutional amendment will provide some clarification, or it might be a consideration to put a question to the Council of State for clarification.

Regarding taking the time to provide information, explanations, etc., the following. I also see that it is not feasible when someone from the European Netherlands (The Hague) keeps coming to organize rounds of talks. At the same time I note that on St. Eustatius transparency - especially that towards the individual resident - is very low. The government commissioner will not hesitate to seek out the media with joyful news, but as soon as things get a bit more serious, she will certainly not seek contact with

the population. However, the *townhall meeting* is a powerful tool for consulting the population. And then not at the stage when nothing can be changed about plans anymore, after all that makes no sense. No, frequently and periodically (for determination of thought: I am now thinking of once every two weeks) a regular *townhall meeting* should take place in order to share ongoing issues with the population and - conversely - to receive signals from the population. I know that the present government commissioner feels absolutely nothing for this, so if you share my opinion, you will have to ask for this expressly through the intervention of the Secretary of State. I see letting it run its course as an admission of weakness or as an expression of disinterest (I would go too far to continue this line of thought, but in a certain respect you end up with 'contempt of the people' and 'confirmation of autocracy'; if that is what you want...).

So, in the context of CLA development, and with the above in mind, it is important to consult the incumbent island staff. With respect to the way things are going NOW, as well as with respect to the way things work as applicable in European Netherlands. The result then will not be a handbook with "commandments" but a CLA-like document with "rights and obligations." Right now - I suspect - the incumbent staff is not fully informed. The handbook I came across on the Internet is from 2019 and I wonder if it is current. In the European Netherlands, there is no difference in CLA for public school staff versus special schools. It seems like it is different in the Caribbean Netherlands. Medical examination for the pension fund, I come across, I think is not applicable because the pension fund is after all mandatory.

Finally, a small alignment. If you share my view that the dot on the horizon is that in the base all laws and regulations in the European Netherlands, are applicable in the whole (so also in the Caribbean) Netherlands then the list of laws and regulations (ref. <https://wetten.overheid.nl>) that are exclusively valid in the BES territory (and thus arise from substantially different circumstances as referred to in Constitution, art. 132a, paragraph 4, should be small and manageable. While strictly speaking I have no idea, my unsubstantiated expectation in this regard is something between 20 and 50. As of this writing (Sept. 18, 2022) there are 574. Six months ago there were about 600, so strictly speaking, there is a decrease, focused on a small, manageable number. Perhaps there is also some action on this, but I am not aware of any active monitoring or pursuit on this point as yet.

To conclude: I admit that this deepening in particular is much broader than 'just' the formation of collective agreements in the OCW domain but it does outline a framework or a 'field of tension' in which to operate. A clear commitment on your part (*what is your plan actually with the Caribbean Netherlands?*) would be welcome to me in that regard. Perhaps these 'musings' can be helpful to you in that respect.

With kind regards,

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