



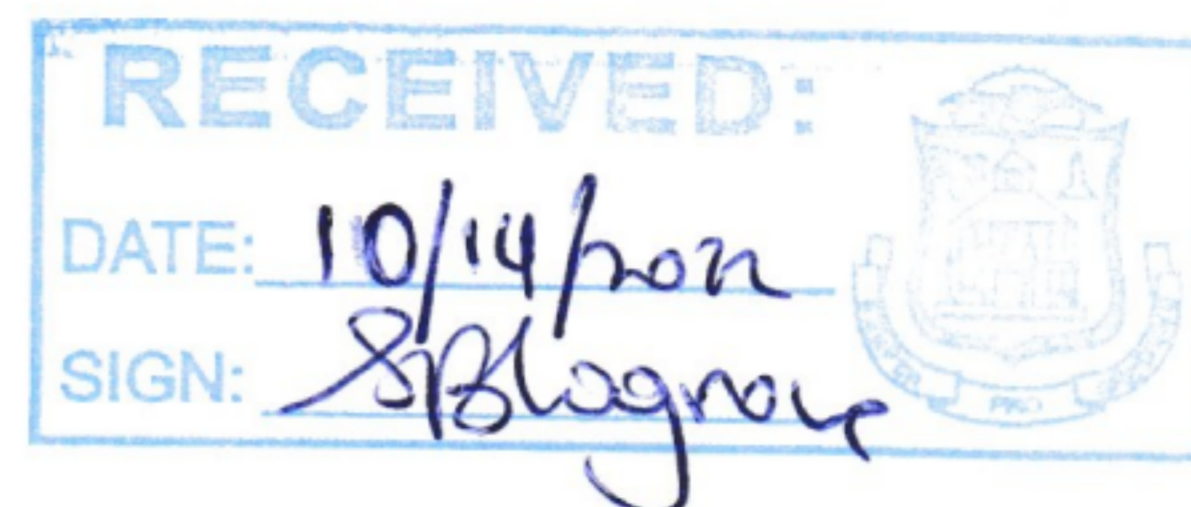
# St. Maarten Communication Union

To: Ms. Loblack

From: St. Maarten Communication Union (SMCU)

Subject: Referendum

Date: 13-10-2022



Dear Ms. Loblack,

The SMCU has received a copy of a letter dated October 11, 2021 containing a referendum date for October 19, 2021 at Telem Building at 10am trough 12pm. We will assume that you meant 2022 instead of 2021. The SMCU considers this letter to be problematic for the following reasons:

On June 9, 2022, SMCU sent you an email with a rebuttal for a referendum you publicized on May 30, 2022. In that email SMCU indicated to you that the company that you mentioned in your public notice does not have any employees in it.

SMCU also informed you in the same email of June 9, 2022 what categories there are in the St. Maarten Operating Company SMTOC (Please see attachment of June 9, 2022).

On August 22, 2022 you forwarded a letter dated August 15, 2022 directed to Mr. Dupersoy, and for SMCU's information (Please see email and letter attached).

SMCU on August 23, 2022 again informed you that the categories were already established in the CLA. This means that "management" is not a category in the agreement between the management of SMTOC and the SMCU. (Please see email attached)

On August 24, 2022 you were copied in an email sent to the Human Resources Manager (HRM) where SMCU was requesting information on the functions of managers and employees in the salary scale H or higher, because this is the category SMCU is disputing. SMCU requested the function names, how many employees are in the same function, and the employees' names holding the functions in question. (Please see email attached). The HRM replied the same day and requested to be given till Friday August 26, 2022 to forward SMCU the requested information. (Please see email attached)

On the same day August 24, 2022, Mr. Dupersoy also sent out an email which you were copied on. His email confused the matter more with the statements in his email. (Please see email attached)

On September 1, 2022 the HRM sent out part of the information that SMCU had back on August 23, 2022. You were copied in this email dated September 1, 2022 as well. (Please see email attached)

On September 14, 2022, SMCU informed the HRM that the information sent to us was not correct and that the statements made pertaining to the category was not correct either. SMCU again pleaded to the HRM to send the information requested. You were copied in this email as well. (Please see email attached)

On September 14, 2022 at 14:55, SMCU replied to Mr. Dupersoy's email of the same day sent by him at 10:44 AM. In our email, SMCU suggested to Mr. Dupersoy for parties to have a meeting with the government mediator, in order to resolve the interpretation that parties have on said category. You were also copied in these emails. (Please see email attached)

On September 23, 2022 SMCU sent you an email with several attachments, in which SMCU was explaining you how the categories came about. SMCU also requested your attention on the matter, expecting you as government mediator to step in and resolve the matter at hand with the category situation. (Please see email attached)

You replied on September 26, 2022, and confirmed receipt of our email. However, you never got back to the SMCU.

In a meeting, you tried to explain to the SMCU what your roll as government mediator was. The SMCU is of the opinion that you have forfeited your roll as government mediator in this case, seeing that the matter is ongoing since June 9, 2022. And now it appears that are you planning to keep a referendum on October 19, 2022 after four months of back and forward.

The functions list that HRM sent to the SMCU is incomplete. There are manager functions that are missing. There are manager functions that currently vacant, and there are manager functions that are currently filled by consultants, and there is a manager function that's fill by two person which is not according to the company structure.

For this reason, SMCU is requesting that you to postpone the upcoming referendum, and first work on resolving this matter in order for the referendum to be legal.

Failure to postpone the referendum will leave the SMCU with no alternative than to make an official complaint to the Minister of VSA, to the office of the Ombudsman if necessary, not excluding legal action against the government mediator.





# St. Maarten Communication Union

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CC: Honorable Mr. Omar Ottley Minister VSA

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