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Subject: Response to Open Letter to the Minister of Justice by Customs Officers

Dear Editor,

Please allow me the opportunity to provide a response within your publication to the recent open letter addressed to the Honorable Minister of Justice with the subject: "Urgent Resolution Needed: Addressing Long-Standing Customs Workers' Concern" dated August 12, 2023.

As the acting Head of Customs, a function that I have fulfilled at different times in the absence of the Head of Customs, and someone who has worked in the organization for over 27 years, I believe that my perspective and insights on the letter are needed to offer your readers a more balanced and well-rounded view to the subject. While I support open and transparent dialogue and a willingness to engage in conversation, I must express my concern regarding certain aspects of the open letter that are misleading, misrepresent the truth and contradictory. Here, I would like to offer a more accurate perspective on the matters presented in the letter.

First, the anonymous authors of the letters claim that it was sent on behalf of all staff members of the Customs Department. This is simply not true. I, and many other colleagues of the Customs Department were not involved with this letter and we openly question whether this was the best way to bring attention to the challenges within the department. I would be the last to deny that the circumstances under which we work e.g. shortage of personnel, high sick leave, financial constraints due to the financial situation of the country which impacts our budget severely etc., are far from ideal. They exist and require urgent attention. However, what is less known and deserves to be highlighted when communicating externally about Customs is that in spite of these challenging circumstances Customs Officers day-in and day-out ,with limited resources to their disposal, achieve incredible results. I applaud my colleagues for their perseverance and commitment to the department.

In their letter the anonymous authors characterize the work environment as toxic. This is a serious allegation that is not substantiated with any examples. Nevertheless, with this issue of perceived toxicity on the work floor now being raised through this letter, I invite my colleagues to engage in a transparent, respectful and a forward-looking discussion to address this point.

Before I respond to each of the six persistent challenges cited by the anonymous writers, it is worth mentioning here that the Customs Management Team since being established in January of 2022, has met

with different Customs Officers, on occasions supported by their union representatives, when they raised points of concern. While not always meeting the desired levels of timeliness as some would want in having the meetings take place, Customs' Management Team has been responsive and maintains an open-door policy.

1. ***Solving the alleged Toxic Work Environment:*** I agree that the well-being of our Customs Officers is of primary importance, as it directly influences the productivity of the department. As such, I again extend an invitation to my colleagues to have discussions on ways in which we can enhance the work environment.

2. ***Completion of the Function Book:*** The Function Book for the entire Ministry of Justice, including Customs, is fully completed. In consultation with the Honorable Minister of Justice, the complete Function Book package intended for the Governor has been finalized. The Covenant agreement signed between all unions and the Minister stipulates that specifics for Customs will be addressed after finalizing the present package, as it sets a clear pathway going forward—these details have been communicated to Custom officers on multiple occasions. Furthermore, ongoing discussions are taking place between the Legal representative of the Ministry and the unions, specifically in response to input from the WICSU/PSU and ABVO unions. The resulting updates to the function book have been discussed and formulated. These adjustments will soon be shared with the unions to facilitate the final review of the function book, with the goal of completion within the next 14 days.

3. ***Criteria to become a Team Leader:*** No one within the Customs Department has been formally appointed to be or become a Team Leader. Not by the Ministry of Justice and not by my person. Any statement or claim contrary to this is untrue. Individuals whom I believe have the potential to successfully apply for the position, have been asked to take up the role with support from coaches. A final assessment will determine whether or not they are suitable.

It is correct that SOAB was involved with the recruitment of Team Leaders in the past. What is not correct is that no suitable candidate was found at that time. Be that as it may, the process was concluded without the selection of a candidate. During a general meeting with Customs Officers earlier this year, I have discussed this subject in more detail, and I also indicated based on which criteria Team Leaders could be selected in the future. If so desired, I'm more than willing to revisit this topic in a general meeting with Customs Officers.

On this point, I wish to note that the Customs Department is a relatively small department, and that the statements made by the anonymous writers about their colleagues whose names are not explicitly mentioned but can easily be connected to the two individuals who as we can read in the letter are working to become Team Leaders, are unnecessarily damaging. This is also one of the reasons why asserted at the beginning of my letter that the claim that the Open Letter was sent on behalf of all staff members of the Customs Department is false.

It is true that a relatively large number of colleagues have left the Customs department in the past 2 years. This is a trend that is witnessed internationally and also locally, throughout all sectors of the economy and as such is not limited to the Ministry of Justice or government for that matter. It has been termed as "post-pandemic employee turn-over" and various reasons have been put forward to explain it. I will not claim that the remuneration has been the main reason why most of the ex-colleagues chose to leave the department but from the conversations I have had with several of them, I can say that it was the most

decisive reason. This is very much in line with the urgent attention that the anonymous authors are requesting for the rectifying of their salaries. The fact of the matter is that the cost of living in Sint Maarten is substantial and poses challenges for the country's work force. It is worth noting here as well that the Customs department over the years has seen persons rejoining the organization after having previously departed.

4. Salaries and salary scales: The authors write that the issue of inadequate remuneration erodes the morale and commitment of Customs Officers. It remains unclear what this blanket statement is based on, and I believe it doesn't apply to the majority of Customs Officers. While a relatively low remuneration can indeed pose challenges, I am convinced that Customs Officers are also motivated by a sense of duty and desire to serve their community amongst other things. This does not mean that we would not like to receive a higher remuneration, it simply means that despite the financial constraints we remain committed to the job.

5. Acquisition of work dogs: In the past there were three work dogs at Customs. Of the three work dogs there is only one work dog that remains. One work dog died on the job after being locked inside a vehicle without proper ventilation. The second work dog upon the advice of a veterinarian had to be put down to relieve it from its suffering which was a result of negligence in caring of the dog. Although the value of a work dog can be tremendous if applied properly as it contributes to our efforts in keeping our borders safe, the investment that is required to purchase and train a work dog is significant and one that Customs cannot afford at the moment. The costs for a work dog are roughly twenty thousand dollars (USD 20.000). The state of affairs regarding the purchase of work dogs was discussed with the former Customs dog handlers in the presence of their union representatives earlier this year.

6. Uniforms: It is not the case that Customs does not have any uniforms because there are uniforms. However, the uniforms that we have are more of a formal attire and emphasize a professional appearance whereas the uniforms that most Customs Officers prefer to wear are the so called 'riot uniforms' which tend to be more practical as the design prioritizes functionality for Customs' tasks and activities. The department is currently in the process of acquiring new uniforms of this type for all its officers.

7. Training and Specialization: I wholeheartedly agree that training in general and specialized training in particular are of utmost importance for Customs. This is why these trainings have been offered and will continue to be offered. Customs Officers have been trained to interpret X-Ray images of the baggage scan machines, BAVPOL trainings have been provided, BOA training is currently on-going, there has been a course on Intelligence and the Handling of Confidential Data, and all new recruits to the department receive a full basic Customs Officer training.

A refresher course for Customs Officers who have been with the department for longer period of time is needed and is planned to take place before the end of the year. I can share that in the new plan of action Border Strengthening Sint Maarten, most of the budget for Customs is reserved for Training and Twinning. This meets the request of the anonymous authors to take measures, to provide relevant training programs.

8. (Non) Functional management team: As acting head of Customs, I manage and am responsible for the day-to-day operations of the department. Since having assumed that role, and with the establishment of the Customs Management Team (MT) in January of 2022, I have been supported by two members of the Management Team. The support that these two individuals have provided, along with support from a

Customs Officer of the Netherlands Customs, who is not part of the Management Team, has been invaluable.

It is true that one of the individuals is temporarily away from work for the time being. During this period the person is not available to fulfill Customs MT responsibilities. Because we are taking steps to ensure minimal disruption to the MT, I do not agree with describing the MT as non-functional. This is a misrepresentation by the anonymous authors in their Open Letter to the Minister. What is also important to keep in mind is that the two persons whose names are mentioned in the open letter were assigned to support me, with main jobs elsewhere within the Ministry of Justice. That support has been readily available when necessary and there is regular contact with the remaining MT member. Also, on multiple occasions Customs Officers outside of the office have made use of the availability of the MT members and reached out for guidance and advice. Within the Customs MT there are two persons who are employed full time with the Customs department. I am one of them, the other is the Head of Customs who has been on sick leave for over 1.5 years.

Further, the statement that persons were not seen in the office for months, which seems to imply that they have not been to work in months or working for months, requires clarification. The absence of seeing a MT member at the office does not imply that they are not contributing to Customs. And as stated previously, the supporting MT members main jobs are elsewhere within the Ministry of Justice.

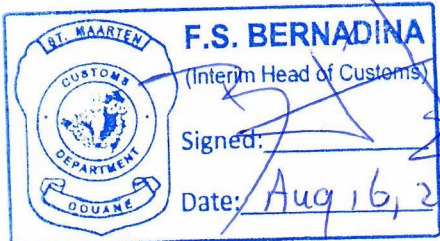
Under this point, it is also mentioned by the anonymous authors that there is one person abusing his or her power. In the letter it is not stated who this person is and how exactly he or she is abusing his or her power. Nevertheless, since abuse of power is a serious accusation, I take this concern very seriously and urge the anonymous writers to make use of the necessary mechanisms that are in place to raise this issue within the Ministry of Justice and or with the Minister of Justice. I also invite my colleagues who indicate that the MT is not functioning properly and who are interested to join the Management Team, to express this by submitting a letter of interest to the Minister of Justice.

9. No Customs pass: The statement that there aren't any Customs Officers with a pass (Customs Identification Card) that indicates that they are Customs officers is false. It is the colleagues who joined the organization as the most recent Customs Officers that do not have a Customs Identification Card. The reason for this is because they are not yet in the possession of a signed National Decree (Landsbesluit). Without a signed LB which comes with a number that is included on the card, the request form for the Customs Identification Card cannot be completed and submitted for processing. To solve this issue, the department is looking into a promising alternative that will hopefully allow for the cards to be issued within the coming weeks.

Through this letter, I have aimed to make the necessary corrections and provide clarification regarding the six persistent challenges and critical issues highlighted by the anonymous authors in their open letter to the Minister of Justice. I look forward to further discussions on these matters taking place internally, in the presence of the Minister of Justice, if need be, and invite all of my fellow Customs Officers to join these discussions to work towards viable solutions for our challenges. I am hopeful that there is a willingness to explore potential solutions or alternatives to address our concerns collectively.

Respectfully,

Franklin S. Bernadina.

**F.S. BERNADINA**
(Interim Head of Customs)
Signed: _____
Date: Aug 16, 2023