



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

REF: HRC-RES-EMPLOYEE HANDBOOKS

Mr. Fabian Whorms
President & CEO, Cayman Airways Ltd.
PO Box 10092
Grand Cayman, KY1-1001
CAYMAN ISLANDS

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Via Email: fabianwhorms@caymanairways.net

Dear Mr. Whorms,

RE: Cayman Airways Ltd. (“CAL”) policies for staff, pilots and cabin crew on grooming and personal appearance (the “policies”)

Thank you for your prompt response of 15 June 2017.

As you are aware, human rights are to a great extent about the balance of rights, freedoms, and responsibilities; treating individuals fairly, with dignity and respect – while still safeguarding the rights of the wider community. The duty of public officials to do this is engrained in s.24 of the 2009 Constitution Order (the “Constitution”). In addition, in accordance with s.19 of the Constitution “all decisions and acts of public officials should be lawful, rational, proportionate, and procedurally fair”.

As such, the policies should be created in line with health and safety regulations and/or best practices (whether local or international¹) where possible. One area in the current policy which the Commission has concerns with is that on hair grooming. The Commission notes two areas of significance. First, it is notable that CAL has created different policies with regard to hair for males and females – it may be that a policy designed for females is sufficient to cover both sexes.

Second, whilst it would be proportionate for CAL to say that hair cannot be worn long and loose, a style which does not adhere to general health and safety standards in meal preparation or in flight safety; it

¹ One useful reference point may be, for example, the *British Airways Uniform Wearer Standards – July 2015* handbook.

would not be proportionate to place restrictions which do not in any way affect health and safety regulations and/or best practices. The issue of hair grooming is especially significant given the decision of the Cayman Islands Court of Appeal in *Grant v JA Cumber Primary School et al*².

Finally, the Commission recommends that the policies as a whole would benefit from clarification of the degree of discretion afforded in determining adherence. There may, for example, be flexibility in certain circumstances (i.e. medical reasons such as weight gain due to medications), where crew members would otherwise be disciplined, to instead allow temporary transfer to another section of the company. Similarly, whilst weight guidelines are useful, they must be just that – guidelines; rigid adherence to them may create results that are unintended – for example an individual may be over the maximum weight for his/her height but still be in excellent physical condition such that no safety issues are created.

The Commission makes the following recommendations in accordance with its constitutional mandate and hopes they will be useful to CAL as it continues to adhere to the obligations placed on it by the Constitution.

Yours sincerely,



James Austin-Smith
Chairman

² E. Grant and Chin (as Guardians ad litem of S. Grant, a minor) v. Principal of John A. Cumber Primary School, Chief Education Officer and Education Council, [2001] CILR 78.