

CAYMAN ISLANDS



**Public Service Management Act
(2018 Revision)**

PERSONNEL (AMENDMENT) (NO. 2) REGULATIONS, 2026

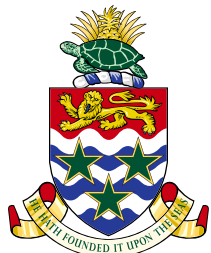
(SL 37 of 2026)

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**Public Service Management Act
(2018 Revision)**

**PERSONNEL (AMENDMENT) (NO. 2)
REGULATIONS, 2026
(SL 37 of 2026)**

In exercise of the powers conferred by section 67 of the Public Service Management Act (2018 Revision), the Cabinet makes the following Regulations —

Citation and commencement

- 1.** (1) These Regulations may be cited as the Personnel (Amendment) (No. 2) Regulations, 2026.
(2) These Regulations come into force immediately after the *Public Service Management (Amendment) Act, 2025* comes into force.

Insertion of Parts 5A and 5B in the Personnel Regulations (2025 Revision) - training and development of Caymanian civil servants; additional provisions concerning the appointment and reappointment of non-Caymanian civil servants

2. The *Personnel Regulations (2025 Revision)*, in these Regulations referred to as the “principal Regulations”, are amended by inserting after regulation 52 the following Parts —

“PART 5A - Training and development of Caymanian civil servants

Training and development of Caymanian civil servants

52A. In accordance with section 55(1)(c) of the Act —

- (a) a civil servant, under the terms of the person’s contract of employment, may be required to train and develop a Caymanian civil servant for the role to which the first-mentioned civil servant’s contract of employment applies; and
- (b) a Caymanian civil servant, under the terms of the person’s contract of employment, may be required to participate in any training or development referred to in subparagraph (a).

PART 5B - Additional provisions concerning the appointment and reappointment of non-Caymanian civil servants

Limitation on the appointment or reappointment of non-Caymanians

- 52B.(1)** An appointing officer, before appointing or reappointing a non-Caymanian as a civil servant, shall confirm, in accordance with policy guidance issued by the Portfolio of the Civil Service, whether the non-Caymanian is eligible to work within the civil service by verifying —
- (a) the date of expiration of the non-Caymanian’s term limit, if applicable; and
 - (b) whether the non-Caymanian is subject to any immigration restriction or control impacting the non-Caymanian’s ability to remain in, or re-enter, the Islands.



- (2) Subject to regulations 52C and 52D —
- (a) the term limit of a non-Caymanian civil servant shall be nine years, in any case commencing with —
- (i) the date of commencement of the *Public Service Management (Amendment) Act, 2025*, if the non-Caymanian is employed as a civil servant as at the date of commencement of that Act;
- (ii) the date on which the non-Caymanian first entered the Islands, if the non-Caymanian entered the Islands after the commencement of the *Public Service Management (Amendment) Act, 2025* as a civil servant;
- (iii) the date of commencement of the non-Caymanian's contract of employment as a civil servant, if the non-Caymanian first entered the Islands as a tourist visitor, unless the non-Caymanian is employed as a civil servant as at the date of commencement of the *Public Service Management (Amendment) Act, 2025*, in which case sub-subparagraph (i) shall apply; or
- (iv) the date on which the non-Caymanian first entered the Islands, if the non-Caymanian first entered the Islands as a worker and then became a civil servant, whether the contracts of employment are granted and held continuously or not; and
- (b) a non-Caymanian shall not be appointed or reappointed as a civil servant if the terms of employment would result in the contravention of this paragraph.
- (3) On the expiration of the non-Caymanian civil servant's term limit, the non-Caymanian —
- (a) shall leave the Islands; and
- (b) shall not be employed as a civil servant until the non-Caymanian has ceased to be employed as a civil servant for not less than one year after leaving the Islands.
- (4) A non-Caymanian civil servant who leaves the Islands before the expiration of the non-Caymanian civil servant's term limit and who has ceased to be a non-Caymanian civil servant for not less than one year may apply to be employed as a non-Caymanian civil servant in which case, this Part shall apply if the person becomes employed as a non-Caymanian civil servant.

- (5) A person who, as an approved dependant, accompanies to the Islands a person who is a non-Caymanian civil servant may become a civil servant and where that person becomes a civil servant —
 - (a) that person's term limit shall be deemed to have commenced on the date of commencement of the term limit of the non-Caymanian civil servant in respect of whom the person was an approved dependant; and
 - (b) that person shall be thereafter subject to the provisions of this Part as if that person had first entered the Islands as a civil servant.

Non-application of regulation 52B

52C.(1) Regulation 52B does not apply to —

- (a) a non-Caymanian who is the holder of any category of permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)*;
 - (b) a non-Caymanian who has been, or is to be, appointed —
 - (i) as a full-time judge or magistrate; or
 - (ii) to a position established by any Act under which the term of appointment of the post-holder is fixed and the post-holder is not eligible for re-appointment; or
 - (c) a non-Caymanian who is employed within any class of civil servants or category of a class of civil servants designated as exempt by the Cabinet, acting on the advice of the Head of the Civil Service.
- (2) The Head of the Civil Service shall take into account the following matters for the purposes of advising the Cabinet under paragraph (1)(c) —
- (a) whether the class of civil servants or category of a class of civil servants has specialist skills or expertise and there is difficulty attracting or retaining persons with those skills or expertise as civil servants;
 - (b) whether the class of civil servants or category of a class of civil servants is, or will be, directly involved in the training or development of Caymanian civil servants, and has specialist skills or expertise which are important to the continuation of that training or development;
 - (c) whether there exist other economic or social benefits to the Islands by virtue of securing or retaining the specialist skills or



- expertise of the class of civil servants or category of a class of civil servants; or
 - (d) whether there are exceptional circumstances that justify the exemption.
- (3) A designation under paragraph (1)(c) shall be made by notice published in the *Gazette* and the notice may be revoked or amended, taking into account the considerations referred to in paragraph (2).

Temporary exemptions from regulation 52B

- 52D.**(1) The Governor or the Head of the Civil Service may, for a period of no more than two years, exempt a non-Caymanian from regulation 52B if —
- (a) the non-Caymanian has specialist skills or expertise and there is difficulty attracting or retaining persons with those skills or expertise as civil servants;
 - (b) the non-Caymanian is, or will be, directly involved in the training or development of Caymanian civil servants and has specialist skills or expertise which are important to the continuation of that training or development;
 - (c) there exist other economic or social benefits to the Islands by virtue of securing or retaining the non-Caymanian's specialist skills or expertise; or
 - (d) there are exceptional circumstances that justify the exemption.
- (2) An exemption under paragraph (1) may be granted in the case of a non-Caymanian civil servant who has applied for permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)* at any time before a decision is made in respect of the application.

Provisions relating to non-Caymanian civil servants who apply for permanent residence or extended residence

- 52E.**(1) Where a non-Caymanian civil servant applies for permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)*, the non-Caymanian civil servant —
- (a) shall notify the non-Caymanian civil servant's appointing officer and the Portfolio of the Civil Service in writing of the date on which the application was submitted within three working days of the submission of the application; and
 - (b) on providing the notification under subparagraph (a), without prejudice to regulation 52C(1)(c) or 52D(1), is exempted from regulation 52B until the final determination of the application.



- (2) A non-Caymanian civil servant shall notify the non-Caymanian civil servant's appointing officer and the Portfolio of the Civil Service in writing, within three working days of any of the following in respect of the application referred to in paragraph (1) —
- (a) receipt of a decision granting the application;
 - (b) receipt of a decision refusing the application;
 - (c) lodging an appeal in respect of the decision to refuse the application; and
 - (d) receipt of a decision regarding an appeal referred to in subparagraph (c).
- (3) The notification under paragraph (2)(b) shall include a statement by the non-Caymanian civil servant as to whether the non-Caymanian civil servant intends to lodge an appeal against the decision.
- (4) For the purposes of paragraph (1)(b), an application shall be considered to be finally determined where —
- (a) a decision is made in relation to the application; and
 - (b) there is no appeal pending and the time for lodging an appeal has expired.
- (5) Subject to paragraphs (6) and (7), where a non-Caymanian civil servant applies for permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)* and —
- (a) the non-Caymanian civil servant's application for permission to reside permanently in the Islands has been unsuccessful and an appeal has not been filed within the time allowed for doing so; or
 - (b) having filed for permission to reside permanently in the Islands the non-Caymanian civil servant has been unsuccessful and all further appeals have been exhausted,
- and the non-Caymanian civil servant's term limit has expired, the non-Caymanian civil servant is entitled to continue working for a period not exceeding ninety days from the date of the communication to the non-Caymanian civil servant of such refusal or the determination of any appeal or proceedings arising from the appeal, whichever is the later.
- (6) Where the non-Caymanian civil servant who applies for permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)* belongs to an exempted class, or category of a class, of civil servants under regulation 52C(1)(c) at the time that the application is made or becomes part of such a class or category of a class after the application is made, and —



- (a) the non-Caymanian civil servant's application for permission to reside permanently in the Islands has been unsuccessful and an appeal has not been filed within the time allowed for doing so; or
- (b) having filed for permission to reside permanently in the Islands the non-Caymanian civil servant has been unsuccessful and all further appeals have been exhausted,

the non-Caymanian civil servant is entitled to continue working until the date on which the designation is revoked or so amended so that the non-Caymanian civil servant no longer belongs to the relevant class, or category of a class, of civil servants designated as exempt by the Cabinet under regulation 52C(1)(c).

- (7) Where the non-Caymanian civil servant who applies for permanent residence or extended residence under Part 6 of the *Caymanian Protection Act (2022 Revision)* is the subject of an exemption under regulation 52D(1) at the time that the application is made or becomes the subject of an exemption under regulation 52D(1) after the application is made, and —

- (a) the non-Caymanian civil servant's application for permission to reside permanently in the Islands has been unsuccessful and an appeal has not been filed within the time allowed for doing so; or
- (b) having filed for permission to reside permanently in the Islands the non-Caymanian civil servant has been unsuccessful and all further appeals have been exhausted,

the non-Caymanian civil servant is entitled to continue working until the date on which the exemption expires.

- (8) After the period during which a non-Caymanian civil servant is entitled to continue working under paragraph (5), (6) or (7) expires, the non-Caymanian shall leave the Islands and —

- (a) shall not be employed as a civil servant; or
- (b) in accordance with the *Caymanian Protection Act (2022 Revision)*, shall not be granted a work permit,

until the non-Caymanian has ceased to be employed as a civil servant for not less than one year after leaving the Islands.

Prohibition on employment of non-Caymanians in certain positions

- 52F.** (1) The Head of the Civil Service may designate individual positions or categories of position within the Civil Service as being positions to which only Caymanians may be recruited.

- (2) The Head of the Civil Service shall take into account the following matters before making a designation under paragraph (1) —
 - (a) the nature of the position or the category of position; and
 - (b) the extent to which suitably qualified Caymanians are likely to be available to fill any such position.
- (3) A designation under this regulation shall —
 - (a) not provide grounds for the early termination of a contract of employment in respect of a non-Caymanian civil servant; and
 - (b) be made by notice published in the *Gazette* and the notice may be revoked or amended, taking into account the considerations referred to in paragraph (2).

No presumption or expectation of further employment

52G. Where a person falls within a category of persons referred to in regulation 52C or a person is exempted under regulation 52D, this does not establish or give rise to a presumption or expectation that the person will be offered further employment at the end of the contract of employment.

Restriction on changing employer

52H. (1) Where —

- (a) a non-Caymanian becomes employed as a civil servant on or after the date of commencement of the *Public Service Management (Amendment) Act, 2025*; and
- (b) within the first two years of employment as a civil servant, the non-Caymanian civil servant wishes to cease being employed as a civil servant,

the non-Caymanian shall leave the Islands for a period of not less than one year before the non-Caymanian may be granted a work permit.

(2) Where —

- (a) a non-Caymanian becomes employed as a civil servant on or after the date of commencement of the *Public Service Management (Amendment) Act, 2025*; and
- (b) within the first two years of employment as a civil servant, the non-Caymanian civil servant, of his or her own volition, wishes to seek employment within a civil service entity other than the civil service entity with which the non-Caymanian civil servant has a contract of employment,



the non-Caymanian shall leave the Islands for a period of not less than one year before the non-Caymanian may be re-employed as a civil servant.

- (3) Paragraphs (1) and (2) do not apply where, within the first two years of employment as a civil servant —
 - (a) the non-Caymanian civil servant wishes to continue being employed as a civil servant but seeks to be appointed or transferred to any other position in a departmental section or unit in the same civil service entity; or
 - (b) the non-Caymanian civil servant —
 - (i) wishes to cease being employed; or
 - (ii) wishes to be employed within another civil service entity, following a grievance procedure under regulation 51 being initiated by the non-Caymanian civil servant and a finding being made of bullying, discrimination, harassment or any other circumstance that demonstrates maltreatment of the non-Caymanian.
- (4) Where there is a finding of bullying, discrimination, harassment or any other circumstance that demonstrates maltreatment of the non-Caymanian civil servant under paragraph (3)(b), the relevant chief officer shall provide the non-Caymanian civil servant with a letter that includes —
 - (a) a statement of the finding; and
 - (b) a statement that —
 - (i) the requirement to leave the Islands for a period of not less than one year before the person is able to be granted a work permit does not apply to the non-Caymanian, should the non-Caymanian wish to cease being employed as a civil servant; or
 - (ii) the requirement to leave the Islands for a period of not less than one year before the person is able to be re-employed as a civil servant does not apply to the non-Caymanian, should the non-Caymanian wish to be employed within another civil service entity.
- (5) Where a non-Caymanian —
 - (a) ceases to be employed with the non-Caymanian's employer within the first two years of the grant of a work permit; and
 - (b) applies to be employed as a civil servant,

the non-Caymanian shall submit, along with the application for employment as a civil servant, particulars as to whether a circumstance referred to in paragraph (6) existed during the first two years of the grant of the work permit.

- (6) For the purposes of paragraph (5), the circumstances are as follows —
- (a) the person was required to work overtime regularly —
 - (i) without compensation; or
 - (ii) without an agreement that provided that no overtime would be paid for extra hours of work or without compensation, and that was approved by and registered with a Labour Tribunal established under section 74 of the *Labour Act (2021 Revision)*;
 - (b) the person was required to do work of a nature outside of the person's job description on a regular basis, without compensation;
 - (c) the person was discriminated against on any of the grounds set out in section 80(1) of the *Labour Act (2021 Revision)*;
 - (d) the person was the victim of retaliation by the person's employer in response to a complaint or concern made to or about the employer;
 - (e) the person was the victim of harassment, including sexual harassment, physical harassment, verbal harassment, and bullying;
 - (f) the position has become redundant; or
 - (g) any other circumstance which, in the opinion of the Head of the Civil Service, demonstrates maltreatment of the non-Caymanian.
- (7) Where the non-Caymanian claims the existence of a circumstance referred to in paragraph (6) —
- (a) the claim shall be accompanied by proof of the relevant circumstance; and
 - (b) in the case of a circumstance referred to in paragraph (6)(a), (b), (c), (d), (e) or (g) as applicable, the claim shall be accompanied by proof that the person lodged a complaint with the Department of Labour and Pensions, the Royal Cayman Islands Police Service, the Gender Equality Tribunal or any other government agency with investigative powers, regarding the relevant circumstance.



- (8) Where —
 - (a) a non-Caymanian referred to in paragraph (5) provides particulars of the existence of a circumstance referred to in paragraph (6) accompanied by the relevant proof; and
 - (b) the appointing officer wishes to employ the non-Caymanian, the appointing officer shall apply in writing to the Head of the Civil Service for permission to employ the non-Caymanian as a civil servant.
- (9) The appointing officer shall ensure that the application to the Head of the Civil Service referred to in paragraph (8) is accompanied by the details submitted by the non-Caymanian relating to the particulars of the existence of a circumstance set out in paragraph (6) and the relevant proof.
- (10) Nothing in this regulation shall prevent a non-Caymanian civil servant who is employed on a contract of employment with a term of less than two years from obtaining a work permit or being re-employed within another civil service entity where the person's contract of employment comes to an end by effluxion of time.

No work permit on expiration of term limit

- 52I.** On the expiration of the non-Caymanian civil servant's term limit, the non-Caymanian —
- (a) shall leave the Islands; and
 - (b) in accordance with the *Caymanian Protection Act (2022 Revision)*, shall not be granted a work permit until the non-Caymanian has ceased to be employed as a civil servant for not less than one year after leaving the Islands.

Keeping of records and publication of statistics

- 52J.** The Head of the Civil Service shall —
- (a) keep and maintain records of all temporary exemptions granted under regulation 52D; and
 - (b) publish in the annual human resources report of the Portfolio of the Civil Service statistics relating to temporary exemptions.

WORC and the Portfolio of the Civil Service to share certain information with each other

52K. The Portfolio of the Civil Service and the Workforce, Opportunities and Residency Cayman Office, on request by either entity, shall supply information to each other for the purpose of compliance with the Act, these Regulations and any other regulations made under the Act.

Transitional provision

52L. Where, as at the date of commencement of the *Public Service Management (Amendment) Act, 2025*, a non-Caymanian is employed with the civil service, for the purposes of this Part, the non-Caymanian shall be treated as having commenced employment with the civil service on the date of commencement of the *Public Service Management (Amendment) Act, 2025*.”.

Amendment of Schedule 1 - standard terms and conditions of employment

3. The principal Regulations are amended in Schedule 1 in paragraph 13(1) as follows —

- (a) in sub-subparagraph (b), by deleting the word “and” after the semi-colon;
- (b) in sub-subparagraph (c), by deleting the full stop at the end of the sub-subparagraph and substituting the words “; and”; and
- (c) by inserting after sub-subparagraph (c) the following sub-subparagraph —
 - “(d) pursuant to regulation 52A, comply with a requirement to train and develop a Caymanian civil servant, or to participate in training and development, as applicable.”.

Amendment of Schedule 4 - employment agreements

4. The principal Regulations are amended in Schedule 4 as follows —

- (a) in paragraph 4, by inserting after subparagraph (j) the following subparagraphs —
 - “(ja) in accordance with section 55(1)(c) of the Act, a requirement to train and develop Caymanian civil servants, where so directed by the Head of the Civil Service, appointing officer or head of department;
 - (jb) in accordance with section 55(1)(c) of the Act, in the case of a Caymanian civil servant, a requirement to participate in the training and development programmes or initiatives being provided in accordance with subparagraph (ja), where so directed by the Head of the Civil Service, appointing officer or head of department;”; and



- (b) in the Annex, in paragraph 11, by inserting after subparagraph (a) the following subparagraphs —
- “(aa) in accordance with section 55(1)(c) of the Act, train and develop Caymanian civil servants, where so directed by the Head of the Civil Service, appointing officer or head of department;
 - (ab) in accordance with section 55(1)(c) of the Act, participate in training and development programmes or initiatives being provided in accordance with subparagraph (aa), where so directed by the Head of the Civil Service, appointing officer or head of department (*To be included in the employment agreement of Caymanian civil servants*);”.

Made in Cabinet the 29th day of July, 2026.

Kim Bullings
Clerk of the Cabinet