

# **BELIZE**

## **LABOUR**

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*Commencement: 1st August, 1960*

### **PART I Preliminary**

#### *Short title.*

- 1. This Act may be cited as the Labour Act.

#### *Interpretation.*

- 2. In this Act, unless the context otherwise requires or unless a more limited meaning is specifically indicated in respect of any Part, section or subsection-

"advance" means any sum which an employer may advance to a worker, or in the case of goods the value of such goods and shall include all sums due to an employer by the worker at the time when the worker enters into a contract with the employer;

"commercial undertaking" includes-

- (a) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan or administration of goods or services of any kind;
- (b) hotels, restaurants, boarding houses, clubs, cafes and other refreshment houses;
- (c) theatres and places of public amusement;
- (d) newspaper undertakings; and
- (e) any establishment similar in character to those enumerated in subparagraphs (a) to (d);

"child" means a person who is under the age of fourteen years;

"Commissioner" means the Labour Commissioner and shall include the person for the time being in charge of the Labour Department;

"domestic servant" includes any house, garage or garden servant employed in or in connection with domestic services of any private dwelling-house but does not include any person employed in the service of establishments open to the public;

*20 of 1964.*

"employer" means any person, firm, corporation, company, or body of persons who or which has entered into an agreement or contract to employ any worker;

"health officer" has the same meaning as it has in the Public Health Act; [CAP. 40.]

"industrial undertaking" includes-

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned,

repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation and transmission of electricity and motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gasworks, waterworks or other work of construction, as well as the preparation for or laying the foundation of any such work or structure;

(d) transport of passengers or goods by road or rail, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand:

Provided that if, having regard to the nature of the work involved in any occupation which forms part of an agricultural undertaking, the Minister considers that such occupation should be included within the provisions of this Act, relating to industrial occupations, he may by Order declare that employment in such occupation shall be employment in an industrial undertaking for the purposes of this Act;

"ionising radiations" means electromagnetic radiation (that is to say, X-ray or gamma ray photons or quanta) or corpuscular radiation (that is to say, alpha particles, beta particles, electrons, positrons, protons, neutrons, or heavy particles), being electromagnetic radiation or corpuscular radiation capable of producing ions and emitted from a radioactive substance or from a machine or apparatus which is intended to produce ionising radiations, or from a machine or apparatus in which electrons are accelerated by a voltage of not less than five kilovolts;

"labour inspector" means any person appointed to carry out labour inspection duties under this Act;

"labour officer" means the Commissioner or any labour inspector;

"manual labour" includes work ordinarily performed by all labourers, mechanics, artisans, handicraftsmen, seamen, boatmen, transport workers, and any other similar work associated therewith, but does not include clerical work or work performed by domestic servants;

"outworker" means a person to whom articles or materials are given to be made up, cleaned, washed, altered, ornamented, mended, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

"public holiday" has the same meaning as it has in the Holidays Act;

"worker" means any person who has entered into or works under a contract with an employer whether the contract be-

- (a) for manual labour, clerical work or otherwise;
- (b) expressed or implied;
- (c) oral or in writing; or
- (d) a contract of service or of apprenticeship:

*31 of 1988.*

Provided that a person engaged in a programme of apprenticeship approved by the Minister shall not be deemed to be a "worker" within the meaning of this definition;

*20 of 1964*

"young person" means a person who has attained the age of fourteen years but is under the age of eighteen years.

## **PART II**

### **The Labour Department**

*Appointment of officers. [CAP. 4.]*

3. The Governor-General, acting pursuant to section 107 of the Belize Constitution, may appoint a Labour Commissioner, hereinafter referred to as the Commissioner, and the Public Services Commission may appoint such Labour inspectors as it may consider necessary.

*Duties of the Labour Commissioner.*

4. It shall be the duty of the Labour Commissioner, subject to the directions of the Minister-

*[40 of 1963, 20 of 1964]*

- (a) to receive and investigate all representations whether of employees or of workers made to him concerning any business, trade, occupation or employment with a view to the settlement and conciliation of disputes and grievances especially regarding hours and conditions of work and regulation of wages and where necessary to report thereon to the Minister;
- (b) to advise the Minister with regard to the betterment of industrial relations and generally on all labour matters;

- (c) to ensure the due enforcement of this Act and of any enactments amending it and of any other Acts in Belize which he, may from time to time be required to enforce;
- (d) to collect, analyse and publish statistics and general information in respect of-
  - (i) employment and unemployment;
  - (ii) wage, rates, and earnings;
  - (iii) employment of women, children and young persons;
  - (iv) price indices;
  - (v) hours of work;
  - (vi) industrial accidents;
  - (vii) industrial disputes, strikes and lockouts;
  - (viii) such other questions as may be assigned to the Department for study;

*[10 of 1960]*

- (e) to foster development of trade unionism and collective bargaining and to advise employers and trade unions of new methods and needs in industrial relations, organisation and practice;
- (f) to perform such further or other duties as may from time to time be required of him by any Act or by the Minister.

*Supply of information.*

5.(1) Every employer shall furnish to the Commissioner, at such time or times as he may require, a return or returns as to the number of persons employed by him in any particular class of employment and rates of remuneration and the conditions of employment thereof, and such returns shall be complete and accurate in all particulars:

Provided that no person shall be required or obliged to furnish any information or particulars other than such as are accessible to him in, or derivable by him from any business, occupation or work in the conduct or supervision of which he is engaged.

5. (2) Every employer who fails to comply with subsection (1) commits an offence.

*Prohibition against publishing returns.*

6.(1) No individual return furnished in accordance with section 5 or any particulars or part of such return shall be published without the previous consent of the person, corporation or firm making such return.

6. (2) Except for the purpose of prosecution under this Act no person, other than a person responsible for or engaged in the collection or preparation of statistics under this Act, shall be permitted to see any such return or any part thereof.

6. (3) No person engaged in connection with the collection and preparation of statistics under this Act shall disclose or, except for the purposes of this Act, make use of the contents of any such return or any part of such return.

6. (4) In any report, summary of statistics or other publication prepared in accordance with this Part with reference to any trade or industry, the particulars comprised in any individual return shall not be disclosed in any manner whatever, or arranged in such manner as will enable any person to identify any particulars as being particulars relating to any individual person or business.

6. (5) Any person-

(a) who having possession of any information which to his knowledge has been disclosed in contravention of this section publishes or communicates to any other person any such information, or;

(b) who wilfully contravenes subsection (3),

commits an offence.

*Institution of proceedings.*

7. A labour officer may-

(a) institute proceedings in respect of any offence committed by an employer under any of the provisions of this Act, and may prosecute in his own name and appear in respect of such proceedings;

(b) institute proceedings and appear in proceedings on behalf of any worker against his employer in respect of any matter or thing or cause of action arising out of or in the course of the worker's employment under this Act.

### **PART III Labour Inspection**

*Officers authorised to perform inspection duties.*

8. Labour inspection duties shall be performed by any labour officer.

*Duties of labour inspectors.*

9. The duties of labour inspectors in respect of labour inspection shall be-

- (a) to ensure that the laws in force concerning conditions of employment and the protection of workers in their occupations are duly applied;
- (b) to give technical information and advice whenever necessary to employers and workers as to the most effective means of complying with the said laws;
- (c) to indicate in their inspection reports difficulties or abuses not specifically covered by existing laws;
- (d) to visit centres of employment and to institute inquiries and inspections, as instructed by the Commissioner.

*Powers of officers.*

10. Any labour officer may-

- (a) enter freely and without previous notice at any hour of the day or night any place wherein he may have reasonable cause to believe that persons enjoying the protection of any law relating to employment are employed, or accommodated, and inspect such place;
- (b) carry out any examination, test or inquiry which he may consider necessary to satisfy himself that any law relating to employment is being strictly observed and, in particular, may-

*[20 of 1964.]*

- (i) interrogate alone, or in the presence of a witness, the employer or the staff of an undertaking or any worker on any matter concerning the application of any law relating to employment or apply for information to any other person whose evidence he may consider essential;

- (ii) require at all reasonable times the production of any books, registers or other documents, the keeping of which is required by any Act or regulation relating to conditions of work, in

order to see that they are in conformity with the law, and may copy such documents, or make extracts from them;

(iii) enforce the posting of notices required by any law relating to employment;

*[40 of 1963.]*

(iv) take or remove in sufficient quantities for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose. The method of taking such samples shall be prescribed by the Minister.

*Notification of presence.*

11. A labour officer shall, when on an inspection visit, notify the employer or his representative of his presence, unless he considers that this notification may be prejudicial to the performance of his duties.

*Credentials.*

12. A labour officer shall, when on an inspection visit, carry a warrant under the hand of the Governor-General of his appointment and shall upon demand made by the person in charge of the workplace or premises to be inspected, produce such warrant.

*Duties of employers.*

13.(1) Every employer or his representative whose undertaking is visited by a labour officer performing inspection duties shall permit him access to the undertaking to be inspected and shall furnish him with such information as will enable him to carry out the duties of his office:

Provided that no person shall be required to answer any question or give any evidence tending to criminate himself.

13. (2) Every employer shall grant to his workers and their representatives every facility for communicating freely with any labour officer when on a visit of inspection.

13. (3) Any employer failing to comply with this section commits an offence.

*Manufacturing or commercial secrets not to be divulged.*

14. (1) Subject to such exceptions as may be prescribed, a labour officer-

(a) shall not reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties; and

(b) shall treat as absolutely confidential the source of any complaint bringing to his notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

14. (2) Every person who wilfully acts in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

*Officers not to have an interest in undertakings inspected.*

15. In no case shall an officer performing labour inspection duties be charged with the supervision of any undertaking in which he has any direct or indirect personal interest.

*Records.*

16. (1) Every employer shall prepare and keep one or more registers or other records containing such information regarding each worker employed by him as may be prescribed by regulations made under this Part.

16. (2) Every such register or record shall be so preserved that every particular recorded therein shall be available for inspection for not less than two years after the recording thereof

16. (3) Any employer failing to comply with this section commits an offence.

*Offences.*

17. Every person who, being required in accordance with the provisions of this Act to furnish information or particulars to a Labour officer-

(a) wilfully refuses or without lawful cause neglects to authenticate the same in the prescribed manner specified, or to deliver the same at the place or in the manner specified or described for the delivery thereof; or

(b) wilfully refuses to answer, or wilfully gives a false answer to question necessary for the provision of any information or particulars required by a labour inspector in the execution of his duties under this Part;

(c) wilfully hinders, obstructs or molests the Commissioner, or a labour inspector in the exercise of any of the powers conferred upon him by law,

commits an offence.

*Regulations. [40 of 1963.]*

18. The Minister may make regulations for the following purposes-
- (a) prescribing the form of any register or record required to be kept under the provisions of this Part; and
  - (b) generally for giving effect to the provisions of this Part.

#### **PART IV Labour Advisory Board.**

*Establishment of Labour Advisory Board. [40 of 1963. 11 of 1985.]*

19. (1) There shall be established a Labour Advisory Board (hereinafter referred to as the Board) which shall be appointed by the Minister and shall consist of three persons representing employers, three persons representing workers and three persons representing the Government.

19. (2) Organisations representing workers and employers shall be consulted before appointments are made to the Board of persons representing their interests.

*Duties of Board. [40 of 1963.]*

20. The Board shall study and make recommendations to the Minister on all matters affecting workers.

*Chairman of Board. [40 of 1963. 11 of 1985. ]*

21. The Minister shall appoint one of the members of the Board representing the Government to be Chairman of the Board, and another such member to be Deputy-Chairman. In the absence of the Chairman from any meeting of the Board, the Deputy-Chairman shall preside.

*Meetings of Board. [20 of 1964.]*

22. The Board shall be convened by the Chairman, and the Chairman shall convene a meeting of the Board on the request of the Minister or upon the written request of three members of the Board within seven days of the receipt of such request.

*Secretary to the Board and Commissioner. [11 of 1985]*

23. An officer of the Labour Department shall act as secretary at all meetings of the Board and the Commissioner, if not already a member, shall be entitled to be present at all meetings with the right to participate in all deliberations.

*Procedure of the Board.*

24. The Board may, subject to the provisions of this Part and with the approval of the Minister, make rules for regulating its own proceedings.

*Regulations. [40 of 1963.]*

25. The Minister may make regulations for the following purposes-
- (a) prescribing the manner in which representatives of employers and workers shall be selected;
  - (b) prescribing the term for which members of the Board shall hold office;
  - (c) prescribing the number of members necessary to constitute a quorum at any meeting of the Board;
  - (d) prescribing the manner of filling temporary or permanent vacancies on the Board;
  - (e) fixing the rates of allowances and expenses to be paid or allowed to any category of members appointed to the Board; and
  - (f) generally for better giving effect to the purposes of this Part.

## **PART V**

### **Contracts of Service Generally**

*Interpretation.*

26.(1) In Parts V, VI and VII, the expression "contract of service" means any agreement between employer and worker by which the latter works under the authority and direction of the employer (even if not under his direct supervision) in return for remuneration fixed according to the hours of work, or at piece or task rates.

26. (2) Contracts of service may be-
- (a) expressed or implied;
  - (b) oral or written;
  - (c) individual or collective; and
  - (d) for a definite or indefinite period.

*Contracts to comply with Act.*

27. (1) Subject to subsection (2), no person shall employ any worker and no worker shall be employed under any contract of service except in accordance with the provisions of this Act.

27. (2) All contracts of service valid and in force at the commencement of this Act shall continue to be in force after such commencement, to the extent that the same are not in conflict with the provisions of this Act, and shall be deemed to have been made under this Act, and the parties thereto shall be subject to and entitled to the benefit of the provisions of this Act.

*Offence.*

28. Any person failing to comply with section 27 commits an offence.

*Application.*

29. This Part shall, unless the contrary intention appears, apply both to oral and written contracts.

*Contracts not to restrict freedom of association.*

30. Nothing in any contract of service shall in any manner restrict the right of any worker who is a party to such contract-

- (a) to join a registered trade union; or
- (b) to participate in the activities of a registered trade union, whether as an officer of such union or otherwise; or
- (c) to associate with any other persons for the purpose of organising a trade union in accordance with the provisions of the Trade Unions Act.

*Contracts of minors.*

31. Notwithstanding anything to the contrary contained in the Contract Act [CAP. 166.], or in any other law, but subject to the provisions of this Act any person who is under the age of eighteen years shall be competent to enter into a contract of service otherwise than as an employer:

Provided that no damages and no payments under sections 43 and 44 shall be recoverable from a child or young person for a breach of any contract of employment.

*Employer to provide work.*

32. Every employer shall, unless the worker has broken his contract of service or the contract is frustrated or its performance prevented by act of God, provide the worker with work in accordance with the contract, during the period for which the contract is binding, on a number of days equal to the number of working days expressly or impliedly provided for in the contract, and if the employer fails to provide work as aforesaid he shall pay to the worker, in respect of every day on which he shall so fail, wages at the same rate as if the worker had performed a day's work.

*Death or bankruptcy of employer.*

33. Except as is in this Act otherwise provided, the death or bankruptcy of an employer shall cause any contract of service to which he is a party to terminate on the expiration of one month from the date of death or bankruptcy of the employer unless the contract shall have been sooner lawfully terminated. The worker shall be entitled to all the benefits of the contract of service up to the expiration of the said month, and shall be bound, if required, to perform services for the widow or other person legally representing the deceased or bankrupt employer in his or her capacity as such, and such widow or other person shall legally be entitled to all the rights under and bound to perform all the stipulations of the contract of service to which the said employer was entitled or which he would have been bound to perform.

*Death of a worker.*

34. The employer shall as soon as practicable after the death of a worker pay or deliver to the district officer of the district of employment, or to the Registrar General all wages and other remuneration due to the deceased worker and all property belonging to the deceased worker for distribution in accordance with the law.

*Imprisonment of a worker.*

35. No wages shall be payable to any worker in respect of the period of any imprisonment under any law.

## **PART VI**

### **Oral Contracts of Service**

*Application.*

36. This Part shall apply to oral contracts of service.

*Contracts not required to be in writing.*

37. All contracts of service, other than contracts which are required by this Act or any other law to be made in writing, may be made orally.

*Commencement within one month.*

38. No oral contract shall be valid and binding unless the employment there- under commences within one month from the date of the contract.

*Probationary employment.*

39. Notwithstanding any agreement to the contrary the first two weeks of any employment under an oral contract of service shall be deemed to be probationary employment and may be terminated at will by either party without notice.

*Periods of notice.*

40. (1) Notwithstanding any agreement to the contrary, notice of the termination of a contract of service for an indefinite time, given either by the employer or the worker, shall be of the following respective durations, if the worker has been in the employment of the same employer continuously-

- (a) for more than two weeks but not more than six months - three days;
- (b) for more than six months but not more than one year - one week;
- (c) for more than one year but not more than two years - two weeks;
- (d) for more than two years - four weeks.

*[20 of 1964.]*

40. (2) Notwithstanding any agreement to the contrary, a worker employed under an oral contract of service on every day except agreed rest days and public holidays and whose remuneration is calculated on an hourly, daily or other basis not exceeding one week, shall, if he has been in an employment for more than two weeks, be deemed to have been employed for an indefinite period.

*Successive contracts.*

41. Where one period of employment under an oral contract of service for an indefinite time is less than six months but is followed by another period of similar employment commencing within the next following six months from the last day of employment, the two periods shall, for the purpose of section 40 in regard to the second period of employment, be deemed to be one continuous period.

*Beginning of period of notice. [19 of 1988.]*

42. A period of notice shall commence on the first day of the pay period next following that during which the notice was served:

Provided that the period of notice shall in no case run concurrently with any period of holiday to which the worker may be entitled.

*Consequence of failure to give notice.*

43. Where a worker under an oral contract of service for an indefinite time fails to give notice as in accordance with this Part, he shall be liable to pay to the employer a sum equal to half the wages that would be payable in respect of the period of notice. Where the employer fails to give the said notice, he shall be liable to pay to such worker a sum equal to the wages that would be payable in respect of the period of notice.

*Breach of contract where period of employment defined. [20 of 1964].*

44. (1) An employer who dismisses a worker before the expiration of the time definitely specified by an oral contract of service shall pay to the worker a sum equal to the wages that would have accrued to the worker in respect of the remainder of the time specifically agreed upon.

44. (2) A worker who abandons the service of his employer before the time definitely specified by an oral contract of service shall pay to his employer a sum equal to one-half of the full wages to which he would have become entitled if he had continued in employment for the remainder of the time specifically agreed upon.

*Calculation of average earnings.*

45. In the case of workers under a contract of service paid by the unit of work, or by a share in the profits, or by a commission on the sales or payments made or received by the employer, the amount payable in terms of sections 42 to 44 shall be calculated on the average earnings of the worker during the three months immediately preceding the day on which notice is given or the abandonment or termination of employment takes place.

*Termination of contract for good and sufficient cause.*

46. (1) Notwithstanding the foregoing provisions of this Part, an employer may dismiss the worker and the worker may abandon service of the employer, without giving notice and without any liability to make payment as provided in sections 43 and 44 if there is good and sufficient cause for such dismissal or abandonment of service:

Provided that an employer may not set up as a good and sufficient cause that the worker at the time of the dismissal was a member of a trade union.

*[20 of 1964.]*

46. (2) Good and sufficient cause for dismissal without giving notice shall include dismissal-

- (a) when a worker is guilty of misconduct, whether in the course of his duties or not, inconsistent with the fulfilment of the express or implied conditions of his contract of service;
- (b) for wilful disobedience to lawful orders given by the employer;
- (c) for lack of skill which the employee expressly or by implication warrants himself to possess;
- (d) for habitual or substantial neglect of his duties;

- (e) for absence from work without permission of the employer or without other reasonable excuse.

*Contract of service not to be terminated in certain circumstances.*

47. A contract of service shall not, except with the consent of the worker, be terminated by the employer during any period of incapacity for work of the worker caused by personal injury by accident arising out of and in the course of employment or by any of the occupational diseases in respect of which compensation is payable under the Workmen's Compensation Act [CAP. 303] or injury benefit is payable under the Social Security Act [CAP. 44.], in each case occurring in the service of that employer:

Provided that-

- (i) during such period of incapacity no right to wages shall accrue in favour of the worker;

[6 of 1979.]

- (ii) the provisions of this section shall not apply beyond the first twelve continuous calendar months of incapacity or the date from which disablement benefit becomes payable under the Social Security Act [CAP. 44.].

*Duty to provide certificate.*

48. (1) On the termination of a contract of service lasting over one month, the employer shall at the worker's request, give to him a certificate stating the duration of the employment, the nature of the work or services performed and, the rate of wages paid under the contract.

48. (2) Such certificates shall be in such form as the Commissioner by notice published in the *Gazette* may prescribe.

48. (3) Any employer who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding twenty five dollars or to imprisonment for a term not exceeding two months.

## **PART VII**

### **Written Contracts of Service**

*Application.*

49. (1) This Part shall apply only to written contracts of service.

49. (2) In this Part-

"the Convention" means the Contracts of Employment (Indigenous Workers) Convention 1939 and the Contracts of Employment (Indigenous Workers) Convention 1947;

"contract" means a written contract of service;

"family" in relation to a worker means his wife and unmarried children except adult males.

*Certain contracts to be in writing.*

50. (1) When a contract of service of a worker-

(a) is made for a period of or exceeding three months or a number of working days equivalent to three months; or

(b) is a contract of service made within Belize and to be performed wholly or partially outside Belize; or

[20 of 1964.]

(c) stipulates conditions of employment which differ materially from those customary in the district of employment for similar work,

the contract shall be made in writing.

50. (2) The worker shall indicate his consent to the contract by signing it.

50. (3) Where a contract which is required by subsection (1) to be made in writing has not been made in writing it shall not be enforceable except during the period of one month from the making thereof:

Provided that where a note or memorandum in writing is made setting out the terms of the contract and a party to the contract has indicated his consent thereto as aforesaid prior to the expiry of the period for which the contract was made, the contract shall be enforceable under the provisions of this section against that party notwithstanding the expiration of the period of one month from the making thereof, and the note or memorandum may be presented for attestation to a labour officer.

*Contents of contract.*

51. Every contract shall contain in clear and unambiguous terms all that may be necessary to define the rights and obligations of the parties thereto, and without prejudice to the generality of the foregoing, shall include the following particulars-

(a) the name of the employer or group of employers and, where practicable, of the undertaking and the place of employment;

- (b) the name of the worker, the place of engagement and the place of origin of the worker, and any other particulars necessary for his identification;
- (c) where possible the name and addresses of the next of kin of the worker;
- (d) the nature of the employment;
- (e) the duration of the employment and the method of calculating this duration;
- (f) the appropriate period of notice to be given by the party wishing to terminate the contract, due regard being had to the provisions of section 57 and to the fact that such provisions refer to an equitable settlement of monetary and other questions;
- (g) the rates of wages and method of calculation thereof, the manner and periodicity of payment of wages, the advances of wages, if any, and the manner of repayment of any such advances;
- (h) the measures to be taken to provide for the welfare of the worker and any dependent who may accompany him under the terms of the contract;
- (i) the conditions of repatriation where applicable; and
- (j) any special conditions of the contract.

*Attestation of contract.*

52. (1) Every contract shall be presented by the employer thereunder within seven days of the making thereof for attestation to a labour officer or other officer authorised for the purpose by the Commissioner (which officer is hereinafter referred to as the attesting officer). Any employer who fails or neglects to comply with this subsection commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

52. (2) Before attesting any contract the attesting officer shall-

- (a) ascertain that the employee has freely consented to the contract, and that his consent has not been obtained by coercion or undue influence, or as the result of misrepresentation or mistake; and
- (b) satisfy himself that-

- (i) the contract is in due legal form;
- (ii) the terms of the contract are in accordance with the requirements of this Act;
- (iii) the employee has fully understood the terms of the contract before signing or otherwise indicating his assent;
- (iv) the provisions relating to medical examination which are contained in this Act have been complied with; and
- (v) the worker declares himself not bound by any previous engagement.

52. (3) An attesting officer may refuse to attest any contract in respect of which he is not satisfied in regard to any of the matters specified in subsection (2); and any contract which an attesting officer has refused to attest shall have no further validity.

52. (4) A contract which has not been attested shall not be enforceable except during the period of one month from the making thereof, but each of the parties shall be entitled to have it presented for attestation at any time prior to the expiry of the period for which it was made.

52. (5) Three copies of every contract attested under this Act shall be attested along with the original. One copy shall be delivered to the employer, one to the worker or in the case of a group of workers to one of their number. The original of every attested contract shall be deposited with and preserved by the Commissioner.

52. (6) Where the omission to present the contract for attestation was due to the wilful act or the negligence of either party the other party shall be entitled to apply to the Commissioner for the cancellation of the contract.

*Medical examination.*

53. (1) Every worker who enters into a contract shall be medically examined at the expense of the employer.

53. (2) Wherever practicable the worker shall be medically examined and a medical certificate issued before the attestation of the contract.

53. (3) Where it has not been practicable for the worker to be medically examined before the attestation of the contract the Commissioner when attesting the contract shall endorse it to that effect and the worker shall be examined at the earliest opportunity.

53. (4) The Commissioner may, by order exempt from the requirement of medical examination workers entering into contracts for-

- (a) employment in agricultural undertakings not employing more than such number of workers as may be stated in the order; or
- (b) employment in the vicinity of workers homes-
  - (i) in agricultural work;
  - (ii) in non-agricultural work which the Commissioner is satisfied is not of a dangerous character or likely to be injurious to the health of the workers;
  - (iii) where such employment does not involve employment outside Belize and the work is to be performed within a radius of ten miles from the workers abode or his place of engagement.

*Contracts by children and young persons.*

54. (1) A child shall not be capable of entering into a contract.

54. (2) A young person shall not be capable of entering into a contract except for employment in an occupation approved by a labour officer as not being injurious to the moral or physical development of non-adults.

54. (3) This section shall apply notwithstanding anything contained in any law.

*Maximum duration of contracts.*

55. (1) The maximum period of service that may be stipulated in any contract for the employment of a worker not involving in the opinion of the Commissioner a long and expensive journey by land, air or water shall be one year if the worker is not accompanied by his family:

Provided that this period may be extended to two years if the worker is accompanied by his family.

55. (2) If the employment of any worker involves in the opinion of the Commissioner a long and expensive journey by land, air or water the maximum period may be extended to two years, or if the worker is accompanied by his family, to three years.

55. (3) The Commissioner may, after consultation with any employers' and workers' organisations, representative of the interests concerned, exclude from the application of this section contracts entered into between employers and workers whose freedom of choice in employment is satisfactorily safeguarded;

such exclusion may apply generally, or to the workers in any specified industry or undertaking or to the workers in any specified industry or undertaking or to special groups of workers.

*Transfer of contracts. [20 of 1964.]*

56. (1) A valid contract may be transferred from one employer to another provided that the worker has freely consented to the transfer and the transfer is endorsed upon the contract by an attesting officer.

56. (2) Before endorsing the transfer upon the contract, the attesting officer shall-

(a) ascertain that the worker has freely consented to the transfer and that the worker's consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and

(b) satisfy himself that the contract has been duly attested as required by section 52 and the worker has been duly medically examined as required by section 53.

56. (3) Any employer who is a party to the transfer of a contract and who fails or neglects within seven days of the date of such transfer to present the contract for endorsement by an attesting officer in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

*General termination of contract.*

57. (1) A contract shall be terminated-

(a) by the expiry of the period for which it was made; or

(b) by the death of the employer or worker before the expiry of the term for which it was made.

57. (2) The termination of a contract by the death of the worker shall be without prejudice to the legal claims of his legal personal representative.

57. (3) If the employer is unable to fulfil a contract or if owing to sickness or accident the worker is unable to fulfil the contract, the contract may be terminated with the consent of the Commissioner subject to conditions safeguarding the right of the worker to wages earned, any deferred pay due to him, any compensation due to him in respect of accident or disease, and his right to repatriation.

57. (4) A contract may be terminated by agreement between the parties with the consent of the Commissioner subject to conditions safeguarding the

worker from the loss of his right to repatriation unless the agreement for the termination of the contract otherwise provides and to the Commissioner being satisfied-

- (a) that the worker has freely consented to the termination and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
- (b) that all monetary liabilities between the parties have been settled.

57. (5) A contract, other than a contract to perform some specific work without reference to time, may be terminated by either party giving to the other, notice of such termination in accordance with the terms of the contract; the minimum requirements of which shall be-

- (a) where the duration is for more than one month the period of notice shall be not less than fourteen days and may be given only after the expiry of the first month of employment; or
- (b) where the duration is for one month or less the period of notice shall not be less than seven days:

Provided that except where the Commissioner in his discretion shall otherwise permit the period of notice stipulated in the contract shall not exceed one month.

57. (6) An equitable settlement of monetary and other conditions including the question of repatriation shall be agreed upon between the worker and the employer and in default of such agreement either party may refer the matter to the Commissioner who shall make such order, including the award of any subsistence expenses reasonably incurred pending such order, as may be just and equitable.

*Repatriation.*

58. (1) Every worker who is a party to a contract and who has been brought to the place of employment by the employer or by any person acting on behalf of the employer shall have the right to be repatriated at the expense of the employer to his place of origin or engagement whichever is nearer to the place of employment in the following cases-

- (a) on the expiry of the period of service stipulated in the contract;
- (b) on the termination of the contract by reason of the inability of the employer to fulfil the contract;
- (c) on the termination of the contract by reason of the inability of the worker to fulfil the contract owing to sickness or accident;

(d) on the termination of the contract by agreement between the parties, unless the agreement otherwise provides;

(e) on the termination of the contract by the Commissioner on the application of either of the parties, unless the Commissioner otherwise decides.

58. (2) Where the family of the worker has been brought to the place of employment by the employer or by any person acting on behalf of the employer, the family shall be repatriated at the expense of the employer whenever the worker is repatriated or in the event of his death.

58. (3) The expenses of repatriation shall include-

(a) travelling and subsistence expenses or rations during the journey; and

(b) subsistence expenses or rations during the period, if any, between the date of termination of the contract and the date of repatriation.

58. (4) The employer shall not be liable for subsistence expenses or rations in respect of any period during which the repatriation of the worker has been delayed-

(a) by the worker's own choice; or

(b) for reasons of *force majeure*, unless the employer has been able during the said period to use the services of the worker at the rate of wages stipulated in the contract.

58. (5) Where the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by or under directions of the Commissioner, and any sums so expended may be recovered from the employer by civil suit.

58. (6) Any employer who fails without reasonable excuse to comply with any of the provisions of this section relating to the repatriation or payment of expenses of repatriation of any worker or the family of any worker commits an offence.

*Exemption from repatriation.*

59. The Commissioner may exempt the employer from liability for repatriation expenses in the following cases-

(a) when he is satisfied-

- (i) that the worker, by a declaration in writing or otherwise, has signified that he does not wish to exercise his right to repatriation; and
  - (ii) that the worker has been settled at or near the place of employment;
- (b) when he is satisfied that the worker, by his own choice, has failed to exercise his right to repatriation before the expiry of six months from the date of termination of the contract;
- (c) when the contract has been terminated by the Commissioner in consequence of a fault of the worker;
- (d) when the contract has been terminated otherwise than by reason of the inability of the worker to fulfil the contract owing to sickness or accident and the Commissioner is satisfied-
- (i) that in fixing the rate of wages proper allowance has been made for the payment of repatriation expenses by the worker; and
  - (ii) that suitable arrangements have been made by means of a system of deferred pay or otherwise to ensure that the worker has the funds necessary for the payment of such expenses.

*Transport on repatriation.*

60. (1) The employer shall whenever possible provide transport for workers who are being repatriated.

60. (2) A labour officer shall take all necessary measures to ensure and may give such directions to the employer or to any person acting on behalf of the employer as will ensure-

- (a) that the vehicles or vessels used for transport of workers are suitable for such transport, are in good sanitary conditions and are not over-crowded;
- (b) that, when it is necessary to break the journey for the night, suitable accommodation is provided for the workers;
- (c) that, when the workers have to make long journeys on foot, the length of the daily journey is compatible with the maintenance of their health and strength; and

(d) that, in the case of long journeys, all necessary arrangements are made for medical assistance and for the welfare of the workers.

60. (3) When the workers have to make long journeys in groups, they shall be conveyed by a person who is fit to assume responsibility for their welfare during the journey.

60. (4) Any person who fails without reasonable excuse to comply with this section or with any directions of a labour officer lawfully given under this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

*Re-engagement contracts.*

61. (1) The maximum period of service that may be stipulated in any re-engagement contract made on the expiry of a contract shall be twelve months, but in a re-engagement contract with a worker who is accompanied by his wife and children the said maximum period shall be two years.

61. (2) Where the period of service to be stipulated in any re-engagement contract, together with the period already served under the expired contract, involves the separation of any worker from his family for more than eighteen months, the worker shall not begin the service stipulated in the reengagement contract until he has had the opportunity to return home at the employer's expense.

61. (3) The Commissioner may grant exemption from the provision of subsection (2) whenever its application is impracticable or undesirable.

61. (4) Except as provided in subsections (1), (2) and (3) all the provisions of the preceding sections of this Part shall apply to re-engagement contracts, but a labour officer may at his discretion exempt such contracts from the provisions of section 53 relating to medical examination.

*Summaries of Act to be brought to the notice of workers.*

62. (1) The Labour Commissioner shall, where necessary, cause concise summaries of this Act to be printed in English and in a language known to the workers and shall make such summaries available to the employers and workers concerned.

62. (2) Where necessary, the employer may be directed by the Commissioner to post such summaries in a language known to the workers in conspicuous places.

*Extra-territorial contracts.*

63. (1) When a contract made within Belize relates to employment in another territory (in this section referred to as the territory of employment) then this Part shall apply in the following manner-

- (a) attestation of the contract required by section 52 shall take place before an attesting officer before the worker leaves Belize;
- (b) the medical examination required by section 53 shall take place at the latest at the time and place of the departure of the worker from Belize;
- (c) a person whose apparent age is less than either sixteen years or the minimum age of capacity for entering into contracts prescribed by the law of the territory of employment, if such minimum age is higher than sixteen years, shall not be capable of entering into such a contract;
- (d) the period of service stipulated in the contract in the case of a worker accompanied by his family, shall not exceed either three years or the maximum period prescribed by the law of the territory of employment if such maximum period is less than three years;
- (e) where the worker is not accompanied by his family, the period of service stipulated in the contract shall not exceed two years, or the maximum period prescribed by the law of the territory of employment, if such maximum period is less than two years;
- (f) the conditions under which the contract is subject to termination shall be determined by the law of the territory of employment;
- (g) the Commissioner shall co-operate with the appropriate authority of the territory of employment to ensure the application of section 60 (2);
- (h) the period of service stipulated in any re-engagement contract shall not exceed the maximum period allowed by this Act, or the maximum period allowed by the law of the territory of employment, if the latter maximum period be less than the former.

63. (2) When a contract made within another territory (in this section referred to as the territory of origin) relates to employment in Belize, the provisions of this Act shall apply in the following manner-

- (a) the conditions under which the contract is subject to termination shall be determined by the provisions of this Act;
- (b) if the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the Commissioner and any

expenses incurred by the Commissioner in so doing may be recovered by him from the employer as a civil debt;

(c) the authority which may exempt the employer from liability for repatriation expenses shall be the Commissioner;

(d) the Commissioner shall co-operate with the appropriate authority of the territory of origin to ensure the application of section 60 (2).

63. (3) When the Convention is not in force for both the territory of origin and the territory of employment, the provisions set forth in subsections (1) and (2) shall apply subject to the following provisions-

(a) when the Convention is not in force for the territory of employment, the attesting officer of Belize shall not attest the contract unless he is satisfied that the worker will be entitled in the territory of employment, either by virtue of the law of that territory or by virtue of the terms of the contract, to the rights and protection specified in sections 57 to 61;

(b) when the Convention is not in force in the territory of origin-

(i) the attestation of the contract required by section 52 shall take place before an attesting officer of Belize as soon as is practicable after the worker enters Belize;

(ii) the provisions of section 52 (5) shall apply; and

(iii) the medical examination required by section 53 shall take place as soon as is practicable after the worker enters Belize,

unless the attesting officer of Belize is satisfied that the matters specified in subparagraphs (i), (ii) and (iii) have in fact been dealt with in accordance with the terms of the Convention by the appropriate authority of the territory of origin.

63. (4) The Government shall, whenever necessary or desirable, enter into agreements with the Governments of other territories for the purpose of regulating matters of common concern arising in connection with the application of the provisions of the Convention, and may in any such agreement derogate from subsections (1) and (2) in respect of contracts made in one territory party to the agreement for employment in another such territory.

*Security by employer.*

64. When the employer in a contract of service relating to employment in another territory does not reside or carry on business within Belize and in any other case where the officer attesting the contract, whether it relates to employment in another country or not, considers it desirable, the employer or his

agent shall give security by bond in the form prescribed or to the like effect with one or more sureties to be approved of by the officer attesting the contract, conditioned for the due performance of the contract, in such sums as such officer may consider reasonable.

## **PART VIII Recruiting**

### *Interpretation.*

65. In this Part-

"family" in relation to a recruited person means the wife and the unmarried children, if any, except adult males, of the recruited person;

"licence" means a licence issued under this Part;

"licensee" means the holder of a licence issued under this Part;

### *[20 of 1980].*

"recruit" means to obtain or supply or attempt to obtain or supply the labour of persons who do not spontaneously offer their services at the places of employment or at an office established by the Government or by an employers' organisation with the approval of the Minister for the purpose of receiving applications for employment, and "recruiter" and "recruiting" mean respectively a person who undertakes operations with that object in view and any operations so undertaken;

"worker-recruiter" means a person who being employed as a worker, is authorised in writing by his employer to recruit other workers on behalf of his employer, but who does not receive any remuneration or other advantage for such recruiting.

### *Exemptions.*

66. This Part shall not apply to-

- (a) the recruiting of workers by or on behalf of employers who do not employ more than twenty workers excluding personal and domestic servants; or
- (b) the recruiting of workers within ten miles of the place of employment; or
- (c) the recruiting of personal or domestic servants or non-manual workers,

or to any workers so recruited, unless such recruiting is done by professional recruiting agents.

*Minister may prohibit recruiting.*

67. (1) The Minister after considering the advice of the Labour Advisory Board may by Order published in the *Gazette* prohibit or limit recruiting in any area of Belize.

*[20 of 1964.]*

67. (2) No person shall himself or through agents or messengers recruit in any area in which recruiting is prohibited by an order of the Minister.

67. (3) During the continuance in force of any Order of the Minister under this section any licence granted under this Part shall be deemed to be suspended or modified to the extent required to conform to the said order in so far as it relates to any area to which such Order applies.

*Recruiter to be licensed.*

68. (1) Subject to subsection (6), no person shall recruit workers unless he is licensed in that behalf under this Part.

68. (2) Every person desirous of obtaining a licence under this section shall apply to the Commissioner who may in his discretion issue a licence-

- (a) if he is satisfied that the applicant is a fit and proper person to be granted a licence;
- (b) if the prescribed security has been furnished; and
- (c) if he is satisfied that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

68. (3) A licence shall be subject to such conditions as may be endorsed upon it and shall not be transferable.

68. (4) No licence shall be issued for a period exceeding one year but it may be renewed if the Commissioner is satisfied that the conditions on which it was granted have been complied with.

68. (5) The Commissioner may cancel any licence in any case where the licensee has been convicted of an offence under this Part or any regulations made thereunder or has not complied with the conditions under which it was granted or is guilty of conduct which in the opinion of the Commissioner renders him no longer a fit and proper person to hold a licence; and the Commissioner may suspend any licence pending the decision of a court or the making of any inquiry which he shall consider necessary.

68. (6) This section shall not apply to worker-recruiters.

*Recruiters' assistants.*

69. (1) No person shall assist a recruiter in actual recruiting operations, and no recruiter shall employ any such person, unless such person is the holder of a valid permit issued in that behalf by the Commissioner.

68. (2) Every such permit shall be issued at the discretion of the Commissioner and shall be subject to such conditions as he may think fit to specify therein. Before issuing any such permit, the Commissioner shall satisfy himself that the person to whom it is to be issued is a fit and proper person to hold it and is in a position to fulfil his obligations thereunder.

68. (3) The Commissioner may require as a condition of any such permit that the holder shall not receive from the recruiter for his services remuneration calculated at a rate per head of workers recruited; and, where the Commissioner permits such remuneration, it shall be a condition of the permit that it shall not exceed an amount per head to be specified therein. Any breach of this condition shall be an offence not only by the holder of the permit but also by the recruiter from whom the remuneration is received.

*Power to take security.*

70. Before issuing any licence or permit under this Part, the Commissioner may require the applicant to execute a bond, in the form prescribed for such amount as he may consider reasonable, conditioned for the due observance and fulfilment of any conditions subject to which the licence or permit may be issued and of the provisions of this Part and any regulations made thereunder, and may require the employer to execute a bond, in the form prescribed for such amount as he may consider reasonable, conditioned for the payment of wages due to the persons recruited during the period of their service with such employer.

*Non-adults to be recruited.*

71. No child or young person shall be recruited, but the Commissioner may in his discretion permit a young person who has attained the age of sixteen years to be recruited with the consent of his parents or guardians for employment upon such light work and subject to such conditions as he may endorse upon any memorandum required to be furnished to a recruited worker.

*Families of recruited persons.*

72. (1) No member of the family of a recruited person shall be deemed to have been recruited by reason only of the recruitment of such person.

72. (2) Where the wife or child of a recruited person has been authorised by a recruiter to accompany such person to, and to remain with him at, the place

of employment, such wife or child shall not be separated from such person except at his express request.

72. (3) The authorisation of such wife or child to accompany the recruited person as aforesaid shall, in default of agreement to the contrary before the departure of such person from the place of recruitment, be deemed to be an authorisation to remain with him for the full duration of his term of service.

*Public officers.*

73. (1) Public officers shall not recruit for private undertakings either directly or indirectly except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

73. (2) No Alcalde shall-

- (a) act as a recruiter;
- (b) exercise pressure upon possible recruits;
- (c) receive from any source whatever any special remuneration or other special inducement for assistance in recruiting.

*Worker-recruiters.*

74. This Part and the regulations made thereunder shall, unless otherwise expressly provided, apply to worker-recruiters as if they were licensees:

Provided that worker -recruiters shall recruit only in such areas as may be prescribed and shall not make advances of wages to recruited workers.

*Examination of workers.*

75. (1) Recruited workers shall-

- (a) be brought before a labour officer or district officer; and
- (b) be medically examined at the expense of the recruiter or the employer as near as possible to the place of recruitment and in accordance with regulations made under this Part.

75. (2) The labour officer or district officer before whom any recruited worker is brought shall satisfy himself that this Part and the regulations made thereunder have been observed and that the worker has not been subjected to pressure or recruited by misrepresentation or mistake.

*Return of workers.*

76. (1) Where any recruited person-
- (a) becomes incapacitated through sickness or accident during the journey to the place of employment; or
  - (b) on arrival at the place of employment is not employed for any reason for which he is not responsible, or is found on medical examination to be physically unfit to perform the work contemplated by his contract of service; or
  - (c) after arrival at the place of employment is found after due inquiry by a labour officer to have been recruited by misrepresentation or mistake, the employer shall at his own expense provide such person and the family of such person with reasonable means of transport to the place of engagement.

76. (2) Where any recruited person dies during the journey to the place of employment or during the period of his term of service, the employer shall at his own expense provide the family of such person with reasonable means of transport to the place of engagement.

*Offences. [20 of 1964]*

77. Any person who acts in contravention of or fails to comply with any of the provisions of this Part commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

*Regulations. [40 of 1963.]*

78. The Minister may make regulations for the purpose of giving effect to this Part, and without prejudice to the generality of the foregoing power he may by regulations provide for-

- (1) the manner and form in which application is made for licences and permits, the particulars to be furnished upon every such application, the conditions under which any licences and permits may be issued, the form of licences and permits, the fees payable therefor, and the particulars to be set forth therein;
- (2) the security to be furnished by applicants for licences;
- (3) the records to be kept by licensees;
- (4) the remuneration to be paid to the assistants of licensees;
- (5) the restriction of recruiting to certain areas;

- (6) the supervision of worker-recruiters;
- (7) the documents to be given to the recruited worker by the licensee;
- (8) the provision of transport for recruited workers and their families from the place of recruitment to the place of employment;
- (9) the amount of wages which may be paid in advance to recruited workers, and the conditions under which advances of wages may be made.

## **PART IX Employment Service**

### *Establishment of employment offices. [40 of 1963.]*

79. The Minister may, by Order, provide for the establishment of employment offices in any part of Belize operating in respect of all or any categories of workers and all or any occupations or industries or any part thereof.

### *Responsibility of Commissioner.*

80. Employment offices shall be under the supervision of the Commissioner.

### *Duty of employment offices.*

81. Employment offices shall have the following duties-

- (a) registering applicants for employment, such registration to include particulars of their occupational qualifications, experience and desires;
- (b) obtaining from employers notification of and information on vacancies;
- (c) referring suitable applicants to available employment;
- (d) giving guidance and assistance to applicants for employment in respect of vocational training necessary for obtaining available employment within or without Belize;
- (e) facilitating the transfer of a worker from one occupation to another or from one region to another for the purpose of obtaining employment; and

*[20 of 1964.]*

- (f) performing such other duties as the Minister may direct.

*Manpower information.*

82. The Commissioner shall be responsible for collecting, analysing and making generally available all information regarding the situation of the employment market obtained either through reports on the operation of employment offices or otherwise in the course of his duties.

*Advisory committees. [40 of 1963]*

83. (1) The Minister may appoint such advisory committees for assuring the co-operation of employers' and workers' representatives in matters pertaining to the organisation and operation of the employment offices as he may consider necessary.

83. (2) The representatives of employers and workers on such committees shall be appointed in equal numbers after consultation with employers' and workers' organisations.

*Registration of employers and workers. [40 of 1963.]*

84. The Minister may by Order require the registration of employers and workers in such industries and occupations and in such areas, districts or places as the Order may specify.

*Duty of employers.*

85.(1) Every employer engaged in an industry or occupation to which an Order made under section 84 refers and whose place of business is ordinarily within any area, district or place specified in such Order, shall forthwith apply for registration and may be registered in accordance with this Part.

85. (2) If the Commissioner is of the opinion that an employer who has not applied for registration is a person to whom such Order applies he may give him notice in writing to apply for registration.

*Employer may not carry on business unless unregistered.*

86. Where an Order has been made under section 84 in respect of any industry or occupation in any area, district or place the Commissioner may by notice in writing require that any employer to whom the provisions of the Order apply shall not carry on business in an industry or occupation to which the Order so applies unless he shall have been duly registered.

*Certificates not to be used improperly.*

87. No employer shall lend to, or allow to be used by any other person any certificate issued to him under this Part and no person shall use or display any certificate of registration as an employer which has not been issued to him.

*Duty of workers.*

88. (1) Every worker, not being of the age of sixty years or over, ordinarily resident in any area, district or place to which an Order under section 84 applies, and who is engaged in any industry or occupation to which such Order applies, shall from and after the date upon which such Order commences, be liable to compulsory registration.

88. (2) A worker shall be deemed to be ordinarily resident in any area, district or place to which an Order applies unless he satisfies a labour officer that he is residing therein for temporary purposes only.

88. (3) A worker shall be deemed to be under the age of sixty years unless he satisfies the Commissioner to the contrary.

*Notice of registration.*

89. The Commissioner may, by notice published in the *Gazette*, require any class or classes of workers to whom an Order under section 84 is intended to apply, and who are liable to compulsory registration, to present themselves for registration in such manner and at such place and within such time as may be specified in the notice.

*Unregistered workers not to be employed.*

90. The Commissioner may order that employers in any industries or occupations in those areas, districts or places to which an order under section 84 applies shall not employ any worker unless such worker is registered under this Part.

*Regulations. [40 of 1963.]*

91. The Minister may make regulations-

- (a) regulating the operation of any employment office;
- (b) appointing and authorising registration offices for the registration of employers and workers;
- (c) prescribing in respect of employers the forms of application for registration and certificates of registration and such other forms as may be necessary for giving effect to this Part in respect of employers;
- (d) prescribing the particulars to be furnished by employers and by workers upon application for registration and before and after registration;
- (e) providing for the issue of certificates of registration and identity to registered workers and for the replacement upon payment of such fee as may be prescribed, of such certificate when lost or destroyed;

- (f) providing for the taking of photographs as a means of identification of registered workers or for other arrangements for the identification; and
- (g) generally for giving effect to this Part.

*Offences. [20 of 1964]*

92. (1) Any employer who acts in contravention of any of the provisions of this Part commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both such fine and term of imprisonment.

*[20 of 1964.]*

92.(2) Any worker who acts in contravention of any of the provisions of this Part commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months.

*Activities involving exposure to ionising radiations. [20 of 1964.]*

93. (1) Any person carrying on or commencing operations involving the exposure of workers to ionising radiations shall, within one month of the commencement of such operations, notify the Labour Commissioner of the nature of the operation he is carrying on or commencing.

93. (2) Any person who fails or neglects to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months.

*Regulations for protection against ionising radiations.*

94. (1) Where the Minister is satisfied that any operation involves the exposure of workers to ionising radiations, he may make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

*[20 of 1964.]*

94. (2) Regulations so made may, among other things-

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any such operation; or
- (b) prohibit, limit or control the use of any material or process in connection with any such operation;

and may impose duties on owners, employers, employed persons and other persons, as well as occupiers.

**PART X**  
**Protection of Wages**

*Wages to be paid in legal tender.*

95. (1) In all contracts of employment provision shall be made for the payment of the wages of a worker in legal tender and not otherwise and if in any such contract the whole or any part of such wages is made payable in any other manner, such contract shall be illegal, null and void.

95. (2) Any employer who contravenes this section commits an offence.

*Payment of wages. [4 of 1969.]*

96. (1) In all contracts of service the wages of the employee shall be made payable in legal tender and not otherwise and if in any such contract the whole or any part of such wages is made payable in any other manner such contract shall be illegal, null and void.

96. (2) Wages shall be paid when due and, unless impossible, on work days and at or near the place of employment or an authorised agent's office.

96. (3) Except where otherwise expressly permitted by this Act, the entire amount of the wages earned by, or payable to, any employee in terms of any contract of service shall be paid-

(a) to him in legal tender; or

(b) with his consent or at his request and subject to such limitations and conditions as may be prescribed-

(i) into a bank account maintained by him; or

(ii) to him by cheque, postal order or money order expressed in legal tender,

and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void.

96. (4) Every employee shall be entitled to recover in a court so much of his wages exclusive of sums lawfully deducted in accordance with this Act as shall not actually have been paid to him in accordance with subsection (3).

96. (5) Any employer who enters into any contract or pays any wages contrary to subsections (1) and (3) commits an offence.

*Illegal conditions regarding place and manner of spending.*

97. (1) No employer shall impose in any contract for the employment of any worker any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the worker are to be expended, and any such terms in a contract between an employer and a worker shall be illegal, null and void.

97. (2) Any employer or other person who, directly or indirectly imposes, as a condition of the payment of any wages or advance to a worker or to any member of his family, any order or agreement as to the place or the manner in which or the person with whom any portion of such wages or advance is to be expended, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months.

*Wages to be paid directly to worker.*

98. Wages shall be paid directly to the worker to whom they are due or to a person specified by him in writing except as is provided in section 110.

*Worker's right to recover.*

99. Every worker shall be entitled to recover in a court so much of his wages exclusive of sums lawfully deducted in accordance with this Part as shall not have been actually paid to him in legal tender.

*Periodicity of wage payments.*

100. (1) Wages shall be paid at regular intervals and shall be due to be paid-

- (a) not less often than once a week in the case of workers whose wages are fixed by the hour or day or week;
- (b) not less often than once a fortnight in the case of workers whose wages are calculated solely on a piecework or output basis;
- (c) not less often than once a month in the case of workers whose wages are fixed on a monthly or annual basis;
- (d) in the case of workers employed to perform a task the completion of which requires two weeks or more, not less often than once a fortnight in proportion to the amount of work completed; or
- (e) in the case of workers whose wages consist of a share of profits, or of a commission on sales or payments made or received by the employer, not less often than once a month in such proportions as may be determined by agreement between such workers and the employer:

Provided that paragraphs (a) to (e) of this subsection shall not apply where an agreement is entered into between an employer or employers or organisations of

employers, on the one hand, and trade unions representative of the workers concerned, on the other, fixing other intervals for the payment of wages; and provided further that on the application in writing of any employer, the Commissioner may if he sees fit and subject to any conditions he may lay down, exempt such employer from paragraphs (a) and (b) of this subsection.

100. (2) A settlement of accounts shall be made at least once a year by the employer in respect of workers whose wages consist of a share of profits or of a commission on sales or payments made or received by the employer.

100. (3) Any employer who contravenes or fails to comply with this section commits an offence.

*Payment of wages on termination of contract.*

101. (1) Where a contract of service is terminated not less than one week before wages in respect of that contract of service become due to be paid, such wages shall be paid within one week of the termination of the contract.

101. (2) In the case of casual workers employed for short periods, wages shall be paid immediately on completion of the work.

*Limitation of advances.*

102. (1) Where a contract which is required by this Act to be in writing is entered into or where any worker is recruited under Part VIII, the employer or recruiter may-

*[40 of 1963. ]*

(a) make a cash advance on account of unearned wages provided that such advance shall not be made earlier than one week before the agreed date of commencement of the service and shall not exceed such sum as may be prescribed by the Commissioner with the approval of the Minister, and different sums may be prescribed for different types of employment;

(b) supply foodstuffs, clothing, tools or implements to the worker in consideration of his entering into the contract, provided that such articles shall not be supplied earlier than one week before the agreed date of commencement of the service and shall not exceed in value such sum as may be prescribed by the Commissioner with the approval of the Minister, and different sums may be prescribed for different types of employment.

102. (2) Any employer or recruiter who contravenes this section commits an offence.

*Interest on advances prohibited.*

103. No employer shall make any deductions by way of discount, interest or any similar charge on account of any advance of wages made to any worker in anticipation of the regular period of payment of such wages.

*Illegal advances to be irrecoverable.*

104. All advances made otherwise than in accordance with this Part or any regulations made thereunder shall be unlawful and shall be irrecoverable in a court of law whether by way of counterclaim, set -off or otherwise.

*Deductions restricted.*

105. (1) Except where otherwise expressly permitted by this Act or any other Act no employer shall make any deduction or make any agreement or contract with a worker for any deduction from the wages to be paid by the employer to the worker, or for any payment to the employer by the worker, for or in respect of any fine, or for bad or negligent work or for injury to the materials or to other property of the employer.

105. (2) Any employer who contravenes this section commits an offence.

*Certain deductions authorised.*

106.(1) Subject to subsection (2) any employer may deduct or stop from the wages payable to a worker under any contract of service-

(a) the actual or estimated cost to the employer of any materials, tools and implements supplied by the employer to the worker at the latter's request to be used by him in his occupation; or

(b) any cash advance previously lawfully made to the worker on account of unearned wages; or

(c) the value of any foodstuffs or clothing previously lawfully supplied to the worker in consideration of his entering into the contract; or

(d) the amount of any contribution to a provident fund, sickness benefit fund, credit union or trade union if such deduction has been previously authorised in writing by the worker; or

*20 of 1964*

(e) the value of goods previously purchased by the worker from any shop or commissary lawfully operated by the employer; or

*[29 of 1957].*

(f) income tax notified in accordance with the provisions of the Income Tax (Deduction from Emoluments) Regulations, to the employer to be due and payable by the worker.

106. (2) The total amount which may be stopped or deducted from the wages of a worker in any pay period under this section shall not exceed one-third of the wages of the worker in that pay period.

*[20 of 1964]*

106. (3) Any employer who makes a deduction from the wages of a worker otherwise than in keeping with this section commits an offence.

106. (4) Subject to subsection (1), the Commissioner, at the request in writing of a worker, may by permit in writing authorise on such conditions as he may think fit the deduction of such other amounts as may be specified in the permit if he is satisfied that it would be to the advantage of such worker.

*Remuneration other than wages.*

107. (1) Nothing in this Act shall render illegal any agreement or contract with an employee for the partial payment of his wages in the form of allowances in kind, other than in the form of intoxicating liquor or noxious drugs:

*[4 of 1969.]*

Provided that-

- (a) such allowances are appropriate for the personal use and benefit of the worker and his family;
- (b) the value attributed to such allowances is fair and reasonable; and
- (c) the partial payment of wages in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned.

107. (2) Any employer who makes any payment of an employee's wages in whole or part in the form of intoxicating liquor or noxious drugs commits an offence.

*Deductions for obtaining or retaining employment prohibited.*

108. (1) Deductions in the form of direct or indirect payments for the purpose of obtaining or retaining employment shall not be made from the wages of a worker by an employer, or by any intermediary or labour contractor or recruiter.

108. (2) Any person who contravenes this section commits an offence.

*Saving as to judgment debts.*

109. During the period of his contract, a worker receiving an advance under this Act shall not by reason only of such advance be deemed to have or to have had means and ability to pay any sum due by him under any judgment of a

*Limitations on attachment or seizure of wages.*

110. (1) Notwithstanding any other law, the remuneration of a worker shall be liable to attachment or seizure in execution only within the following limits-

- (a) up to one-half in respect of maintenance payments;
- (b) up to one-third in respect of all other debts of any kind and however contracted.

110. (2) The proportions prescribed in subsection (1) shall not be applicable cumulatively on the ground that there are several debts or several creditors, the maximum proportion in all cases remaining fifty *per centum* of the remuneration. The sums attached or seized shall be divided among the claimants in proportion to their established claims.

*Rates of wages to be notified by employer to worker.*

111. Where an employer offers any work to a worker, he shall inform him, either at the time of the offer or as soon thereafter on the same day as may be practicable, whether he is to be paid for his services by time or by the piece or by the task and at what rate for the time, piece or task, as the case may be.

*Exemptions. [40 of 1963.]*

112. The Minister may, after consultation with organisations of employers and workers directly concerned (if such exist), by order, exempt any category or categories of non-manual workers, from all or any of the provisions of this Part.

*Prosecutions to be instituted within one year.*

113. No prosecution for any offence under this Part shall be instituted after the expiration of one year from the date of the commission of the offence.

*Power to make regulations. [40 of 1963.]*

114. The Minister may make regulations for the purpose of giving effect to this Part, and without prejudice to the generality of the foregoing power may by regulation provide for-

- (a) the establishment, control and regulation of commissaries or shops conducted by employers or any specified class of employer at places remote from towns and villages, including the control or prohibition of the sale of liquors to workers of such employers and the fixing and control of prices for goods sold thereat to workers of such employers;

(b) the particulars and quantities of rations to be supplied to workers either generally or to workers of a specified class and to members of their families permitted by their employer to accompany them.

## **PART XI**

### **Hours of Work, Overtime and Holidays**

#### *Working days.*

115. No worker shall be obliged to work on any public holiday or on any Sunday, if Sunday is the agreed rest day, or other agreed rest day substituted for a Sunday by agreement between an employer or an organisation of employers, on the one hand, and a worker or organisation of workers, on the other hand, entered into not less than seven days before such rest day is taken.

#### *Working hours. [11 of 1986. 17 of 1986.]*

116.(1) No worker shall be obliged to work on more than six days in any week or for more than nine hours of actual work in any day or forty-five hours of actual work in any week.

116. (2) The gross weekly wages of workers shall not be reduced as a result of the reduction of the maximum weekly working hours and any overtime hours shall be calculated by using the gross weekly wages for a forty-five hour week as the ordinary rate of pay.

#### *No deduction from wages for public holidays. [11 of 1965. 11 of 1986. 17 of 1986.]*

117. (1) No deduction shall be made from the wages of a worker paid by the month or the week for time not worked on a public holiday.

117. (2) Workers paid by the hour, by the day or on a piece work or task work basis shall be paid at single time rate the wages of a normal working day for a public holiday which falls on a scheduled workday, that is to say a day on which he would have worked were it not a public holiday, if he is at work on the scheduled workday immediately preceding and that immediately following the public holiday or, where he has been laid off within six days before the public holiday, he is re-employed within six days after the holiday:

Provided that this shall not apply to workers who are remunerated by the piece or by the task and are not subject to continuous supervision.

117. (3) All work done on public holidays other than Christmas Day, Good Friday and Easter Monday shall be paid for at half as much again is ordinary rates in addition to any payment to which the worker may be entitled under subsection (1) and (2).

117. (4) All work done on Christmas Day, Good Friday and Easter

Monday shall be paid for at double rates in addition to any payment to which the worker maybe entitled under subsections (1) and (2).

117. (5) For the purpose of subsection (2), "wages for a normal working day" shall not be less than the acknowledged basic day's wages paid by the industry in which the worker is employed and which in any event shall not be less than eight times the hourly wage:

Provided that this section shall not apply to any industry where a wage council is established providing effective machinery for fixing of remuneration and the provision of paid public holidays for workers in that industry.

*Overtime. [11 of 1986].*

118.(1) If any worker works for and at the request of his employer on a public holiday or a Sunday or other agreed rest day or for more than nine hours in any day or forty-five hours in any week, he shall be paid wages for such extra work at the following rates-

- (a) on Christmas Day, Good Friday, and Easter Monday - at a rate of not less than double his ordinary rate of pay;
- (b) on public holidays other than those set out in paragraph (a) hereof - at a rate of not less than one and one-half times his ordinary rate of pay;
- (c) on Sundays or other agreed rest days - at a rate of not less than one and one-half times his ordinary rate of pay; and
- (d) for hours worked in excess of nine hours in any day or forty- five hours in any week - at a rate of not less than one and one half times his ordinary rate of pay.

118. (2) In the case of workers remunerated by the piece or by the task and who are subject to continuous supervision, the expression ordinary rate of pay shall for the purposes of this section be deemed to be the piece-rate or the task-rate.

*Exemptions.*

119. (1) Sections 115 to 118 shall not apply to-

- (a) persons holding positions of supervision or management or employed in a confidential capacity;
- (b) persons who are shop assistants for the purposes of the Shops Act [CAP. 287.]

;

(c) workers who are employed wholly or mainly to watch over agricultural property and who reside on such property provided that in each case the property does not exceed one hundred acres and is not used for industrial processing or manufacture of any kind whatsoever;

*[20 of 1964.]*

(d) workers who are remunerated by the piece or by the task and are not subject to continuous supervision.

*[40 of 1963]*

119. (2) The Minister may by Order exempt from the provisions of sections 115, 116 and 118, subject to such conditions as may be specified in such Order, any undertaking, business or establishment or any part thereof or any class of workers, on application being made to the Commissioner by any employer or worker or organisation of employers or workers.

*Hours of actual work.*

120. The time during which the worker is at the disposal of the employer shall be deemed to be hours of actual work.

*Break in working day. [20 of 1964.]*

121. Wherever the daily hours of work exceed six hours, the employer shall grant workers employed by him a break of not less than one hour in the middle of the working day, and the said break shall not be included in the computation of the hours of actual work:

Provided that under conditions of continuous shift working in which the Commissioner is satisfied it would not be practicable to grant workers a break of one hour's duration, he may approve some other basis of working which seems to him fair and reasonable in the special circumstances.

*Night rest.*

122. The night rest period shall in no case be less than nine consecutive hours. For persons working during the night, the rest period during the day shall likewise in no case be less than nine consecutive hours.

*Shifts.*

123. Where workers are employed in shifts, it shall be permissible to employ them without payment of overtime in excess of the daily or weekly number of hours specified in this Part, if the average number of hours over a period of three weeks or less does not exceed the daily or weekly number of hours so specified.

*Payment of daily workers.*

124. Unless otherwise agreed or prescribed, workers whose wages are calculated on a daily basis shall be paid only for the number of days actually worked by them.

*Application of following sections.*

125. The provisions of the subsequent sections of this Part shall not apply to outworkers as defined in this Act nor to members of an employer's family who work exclusively on his behalf and who live in his house, or to shop assistants to whom the provisions of the Shops Act apply.

*Interpretation. [20 of 1964. 17 of 1986.]*

126. In the subsequent sections of this Part-

"average pay" in respect of any period of employment, means one twenty-sixth of the worker's total remuneration for that period of employment except that where a worker by virtue of his contract of service, by custom or by collective agreement is entitled to a longer period of annual holiday with pay than one week, "average pay" in respect of that worker shall mean the fraction of the worker's total remuneration corresponding to the proportion that the period of holiday calculated in weeks to which he is entitled bears to fifty-two weeks;

"total remuneration" in respect of any period of employment, means all basic wages which the worker is paid or is entitled to be paid by his employer in respect of the labour or services which he has performed for his employer during that period of employment and includes the cash value of any board or lodging provided by his employer, but shall not include any overtime payments, commissions or bonuses: for the purposes of this definition the cash value of any board or lodging shall be deemed to be the amount fixed as such by or under the terms of the worker's contract of service or, if it is not so fixed, shall be computed at the rate of twenty dollars a month for board and ten dollars a month for lodging;

"year of employment" in relation to a worker, means any period of twelve months during which the worker has actually performed labour or rendered services for the same employer for an aggregate of at least two hundred and fifty days in the case of a worker employed on a weekly, fortnightly, monthly or yearly basis, and at least one hundred and fifty days in the case of any other worker.

*Specified date, annual holiday and terms and conditions thereof. [S.I. 17 of 1964. 17 of 1986. 17 of 1986.]*

127.(1) Every worker being employed on such date as shall be specified by Order of the Minister (hereinafter referred to as the specified date) shall, at the end of the first year of his employment, computed as though his employment commenced on the specified date, and at the end of each succeeding year of his employment, be entitled to an annual holiday of at least two working weeks.

127. (2) Every worker not being employed on the specified date but thereafter being in employment shall, at the end of each year of his employment, be entitled to an annual holiday of at least two working weeks.

127. (3) The annual holiday shall be given and taken in one period, or if the employer and worker so agree, in two separate periods and not otherwise.

127. (4) If the employer and worker so agree, the annual holiday or either of such separate periods may be taken wholly or partly in advance before the worker has become entitled to such holiday.

127. (5) The annual holiday shall be given by the employer and shall be taken by the worker before the expiration of six months after the date upon which the right to such holiday accrued:

Provided that the giving and taking of the whole or any separate period of such holiday may, with the consent in writing of the Commissioner, be further postponed for a period to be specified by him in any case where he is of opinion that circumstances render such postponement necessary or desirable.

127. (6) The employer shall determine the date on which the annual holiday shall commence and shall give to the worker not less than seven days' notice of such date.

127. (7) Where the annual holiday or any part thereof has been taken before the right to such annual holiday has accrued, the right to a further annual holiday shall not commence to accrue until after the expiration of the period of twelve months in respect of which the annual holiday or part thereof has been so taken.

*[20 of 1964.]*

127. (8) Where any public holiday, Sunday or other agreed rest day occurs during any period of annual holiday taken by a worker under this section, the period of the holiday shall be increased by one day in respect of such public holiday, Sunday or other agreed rest day.

*Payment in respect of holiday. [20 of 1964.]*

128. (1) Every worker who takes an annual holiday in conformity with section 127 shall be paid by his employer in respect of such annual holiday his average pay in respect of the period of his employment with such employer during the period of twelve months to which such annual holiday relates.

128. (2) Where the worker takes his annual holiday in one period, the average pay referred to in submission (1) shall be paid to him not later than the day immediately preceding the commencement of such annual holiday.

128. (3) Where the worker takes his annual holiday in two separate periods of equal duration, one-half of the average pay referred to in subsection (1) shall be paid to him not later than the day immediately preceding the commencement of each of the two periods.

128. (4) No deduction shall be made in respect of public holidays, Sundays, or other agreed rest days from the wages of a worker which are to be paid to him as holiday pay.

*Where employment terminated, employer deemed to have granted holiday on payment of average pay.*

129. (1) Where the employment of a worker who has become entitled to an annual holiday under section 127 is terminated, and the worker has not taken any part of such holiday, the employer shall be deemed to have given such annual holiday to the worker from the date of the termination of the employment, and shall forthwith pay to the worker, in addition to all other amounts due to him, his average pay in respect of the period of his employment with such employer during the period of twelve months to which such annual holiday related.

129. (2) Where the employment of a worker who has become entitled to an annual holiday is terminated and the worker has taken a period of holiday equal to one-half of the total holiday period to which he is entitled, the employer shall be deemed to have given the remaining period of such annual holiday to the worker from the date of termination of the employment and shall forthwith pay to the worker in addition to all other amounts due to him, one half of the average pay referred to in subsection (1).

129. (3) Where the annual holiday or part thereof has been taken by a worker under section 127 (4) and-

(a) the employment of the worker is terminated before he has completed the year of employment in respect of which such annual holiday or part thereof was taken; and

(b) the sum paid by the employer to the worker in respect of such annual holiday or part thereof exceeds the sum which the employer would have been required to pay to that worker under subsection (1), the employer shall not be liable to make any payment to the worker under that subsection, and shall be entitled to deduct the amount of such excess from any remuneration payable to the worker upon the termination of his employment.

*Provision for holiday pay where worker is employed for more than three months and less than a period of one year.*

130. (1) Where any worker has been employed by the same employer for a period of not less than three months and such employment is terminated before the worker becomes entitled under section 127 to an annual holiday in respect of

that period of employment, the employer shall forthwith pay to the worker, in addition to all other amounts due to him, his average pay for the period of his employment with such employer:

*[20 of 1964.]*

Provided that if the worker has at any time taken an annual holiday under this Part while in the employment of any employer, the aforesaid employer shall be deemed to have complied with this section if he pays forthwith to the worker, in addition to all other amounts due to him, his average pay for the period of his employment between the date on which he became entitled to his last annual holiday and the date of the termination of his employment.

130. (2) The termination of employment by the employer for cause with out notice shall not exempt the employer from the duty of making any payments due under subsection (1).

*Sick leave with pay. [19 of 1975.]*

131. (1) Where any worker who has been employed by the same employer for an aggregate period of not less than sixty days in the preceding twelve months falls ill while in the employment of the said employer, and the illness was not caused by his own default or misconduct, the employer shall grant to the said worker, at his request, sick leave with pay for a period of up to sixteen working days in any twelve months and the employer shall pay the worker in respect of any such period of sick leave at the rate corresponding to his total remuneration over the last sixteen days of his employment with him.

131. (2) Where the worker, if required to do so by the employer, fails within forty-eight hours of such written request to produce a certificate from a registered medical practitioner certifying to his illness and the duration thereof, he shall not be entitled to sick leave with pay.

131. (3) In the absence of agreement, no worker shall be entitled to claim sick leave with pay for more than sixteen days in any period of twelve months.

131. (4) In the case of a worker who is entitled to sickness benefits under this section as well as under the Social Security Act such worker shall receive payment under the Social Security Act, and in addition be entitled to be paid by his employer the following payments: -

(a) in respect of the first three days of illness payment equivalent to three days' basic wages;

(b) in respect of the next thirteen days of illness payment of the difference between such percentage of the worker's insurable earnings as may be fixed from time to time and his basic rate of pay for the corresponding period; and

- (c) payment thereafter in accordance with the Social Security (Sickness Benefits) provisions unless more favourable conditions are provided for in any contract of employment or collective agreement.

*No power to contract out*

132. Any agreement between an employer and the worker which purports to exclude the operation of any of the provisions of this Part shall be null and void:

Provided that this Part may be varied in respect of any particular industry or undertaking by a Wages Regulation Order made under the Wages Councils Act [CAP. 302], and relating to the said industry or undertaking.

*Offences.*

133. Any employer who-

- (a) refuses to allow any worker to take a holiday to which he is entitled under this Part; or

*[19 of 1975.]*

- (b) fails to pay any worker the average or other pay to which he is entitled under this Part,

commits an offence, and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

*Procedure.*

134. Where proceedings are brought under section 133 in respect of an offence consisting of a failure to make any payments under this Part then if notice of intention to do so has been served with a summons, warrant or complaint, on proof of the failure the court may order the employer to make any payments which ought to have been made in respect of the period of employment concerned. Any such order shall be enforced in accordance with the Summary Jurisdiction (Procedure) Act [CAP. 99].

*Prosecutions to be instituted within one year of offence.*

135. No prosecution for any offence under this Part shall be instituted after the expiration of one year from the date of the commission of the offence.

## **PART XII Labour Clauses in Public Contracts**

*Interpretation.*

136. In this Part-

"Government" means the Government of Belize and includes town councils and city councils;

"public contract" means any contract which fulfils the following conditions-

- (a) that one party to the contract is the Government or has entered into the contract with assistance from the Government by way of grant, loan, subsidy, licence, guarantee or other similar form of assistance;
- (b) that the execution of the contract involves-
  - (i) the expenditure of Government funds; and
  - (ii) the employment of workers by the other party to the contract;
- (c) that the contract is a contract for-
  - (i) the construction, alteration, repair or demolition of public works; or
  - (ii) the manufacture, assembly, handling or shipment of materials, supplies or equipment; or
  - (iii) the performance or supply of services;
- (d) that the contract is awarded by a duly authorised officer of the Government; and
- (e) that the contract involves the expenditure of Government funds of an amount of not less than one thousand dollars.

*Provisions, etc., deemed to be included in public contracts.*

137. Every public contract shall be deemed to include and to incorporate the provisions, conditions or stipulations set forth in this Part to all intents and purposes as if the same were expressly set out as conditions or covenants therein to be observed and performed on the part of either or both of the parties to the contract.

*Rates of wages and hours and conditions of work to be applied.*

138. The contractor shall pay rates of wages and observe hours and conditions of labour not less favourable than those established, in the trade or industry in the district where the work is carried out, by agreement, machinery of negotiation or arbitration to which the parties are organisations of employers and trade unions representative respectively of substantial proportions of employers and workers engaged in the trade or industry in the district (hereinafter referred to as established rates and conditions) or, failing such established rates and

conditions in the trade or industry in the district, established rates and conditions in other districts where the trade or industry is carried on under similar general circumstances.

*Contractor to pay fair rates and observe reasonable conditions. 11 of 1965.*

139. In the absence of any such agreement or established rates and conditions as defined in section 138, the contractor shall pay rates and wages and observe hours and other conditions of labour not less favourable than those which are or would be paid and observed by Government in the trade in the district where the work is carried out.

*Preliminary declaration of contractor.*

140. Before being placed on any list of Government contractors or being allowed to tender for Government contracts, the contractor shall certify that to the best of his knowledge and belief the wages, hours of work and conditions of labour of all workers employed by him in the trade or industry in which he is offering himself as a contractor are fair and reasonable having regard to the provisions of section 138.

*Arbitration. [40 of 1963.]*

141. In the event of any difference or dispute arising as to what wages ought to be paid, or what hours or other working conditions ought to be observed in accordance with the requirements of section 138 it shall, if not otherwise disposed of, be referred by the Commissioner to the Minister who may, if he thinks fit, refer the matter to an arbitration tribunal in accordance with the provisions of the Trade Disputes (Arbitration and Inquiry) Act [CAP. 299.]. In arriving at its decision the tribunal, in the absence of any established rates and conditions in the trade or industry concerned as specified, in section 138 shall have regard to any agreement, custom, practice or award that may be brought to its notice relating to the wages, hours or conditions of labour of persons employed in a capacity similar to that of the person to whom the difference or dispute relates in trade or industries carried on under similar general circumstances.

*Keeping of records.*

142. (1) The contractor shall keep proper wages books and time sheets showing the wages paid to and time worked by the workers in and about the execution of the contract, and he shall be bound, whenever required, to produce such wages books and time sheets for the inspection of any labour officer.

142. (2) The contractor shall keep posted in a conspicuous place at each of his establishments and work places a notice in a form to be prescribed by the Commissioner informing workers of their conditions of employment.

*Prohibitions.*

143. (1) A subcontractor shall be bound in all cases to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions on the part of the subcontractors.

143. (2) The contractor shall not transfer or assign a contract or any portion thereof without the written permission of the Commissioner.

*Freedom of workers to join trade unions.*

144. Contractors and subcontractors shall recognise the freedom of their workers to be members of registered trade unions.

*Certificates to accompany claims for payment.*

145. A contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of contract in respect of the work and labour performed in the execution of the contract unless and until he shall have filed together with his claim for payment a certificate-

- (a) showing the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract;
- (b) whether any wages in respect of the said work and labour remains in arrears; and
- (c) that all the labour conditions of the contract have been duly complied with.

*Contractor to provide information required by Commissioner.*

146. The contractor shall also from time to time furnish to the Commissioner such further detailed information and evidence as the Commissioner may think necessary in order to satisfy him that the conditions of this Part have been complied with.

*Commissioner may deduct workmen's wages from payment due to contractor.*  
[11 of 1965.]

147. In the event of default being made for the payment of any money in respect of wages to any workman employed on the contract and if a claim thereafter is filed in the office of the Commissioner and proof thereof satisfactory to the Commissioner is furnished the Commissioner may, failing payment by the contractor arrange for the payment of such claim out of the moneys at any time payable under the said contract and the amount so paid shall be deemed payments to the contractor.

*Consequences of failure to comply with requirements.*

148. Any contractor or subcontractor who fails to comply with any of the provisions of this Part shall cease to be approved as a contractor or subcontractor for such period as the Commissioner may determine.

### **PART XIII Safety, Health and Housing**

#### *Housing, water supply and sanitation.*

149. (1) Every employer who provides or arranges accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain-

*[20 of 1964.]*

- (a) sufficient and hygienic house accommodation;
- (b) a sufficient supply of wholesome water; and
- (c) sufficient and proper sanitary arrangements, for every worker who resides at the place of employment. Such house accommodation, water supply and sanitary arrangements shall conform to such requirements and standards of health and hygiene as may be prescribed.

149. (2) No employer shall house any worker or other person in a building the state of which or the surroundings of which are, in the opinion of the Commissioner or health officer, such as to endanger the health of such worker or other person and should it appear to the Commissioner or health officer that the accommodation provided is likely, by reason of its site, construction, size, or otherwise, to endanger the health of any worker or of any person, the Commissioner may serve the employer with an order in writing requiring him to remove, alter, enlarge or reconstruct such accommodation within a reasonable time to be stated in such order; and such order may also, if necessary, declare that no worker or other person shall be permitted to occupy any building the subject of such order pending removal, alteration, enlargement or reconstruction.

149. (3) Should it appear to the Commissioner that accommodation ought to be provided for non-resident workers by reason of the distance of their houses or other suitable accommodation from the place of employment he may forbid the employment of such workers until such accommodation has been provided.

#### *Surrounding of housing to be kept clean.*

150. A space of not less than one hundred feet around any housing area shall be kept clear of bush and secondary growth and the employer shall cause such space to be kept in a clean and sanitary condition and all refuse in or near the housing area to be collected and buried or burned and shall detail a sufficient number of workers daily to carry out these duties.

*Approval of place of employment and prohibition of employment of workers where arrangements are inadequate.*

151. (1) Every person intending-

- (a) to employ resident workers at a place of employment where workers have not hitherto been employed within the preceding twelve months; or
- (b) to increase the number of workers already employed on a place of employment so that the existing arrangements will be inadequate and insufficient for such increase,

shall give notice in writing of such intention to the Commissioner.

151. (2) If the Commissioner at any time has reason to believe that the arrangements made for the residence and employment of workers on any place of employment where it is intended that workers shall live or be employed or where workers are living or employed are from any cause inadequate for the residence and employment of such workers or of additional workers or that the health or conditions of workers living or employed on any place of employment is from any cause unsatisfactory, he may by order served on the employer prohibit the residence or employment, or both, of workers or of additional workers on such place and it shall thereupon be unlawful for any person to employ or permit to reside on such place any workers or dependents, or any workers or dependents other than those who were residing or employed thereon before the issue of such order, as the case may be.

151. (3) The Commissioner may, upon being satisfied that adequate arrangements have been made for the residence and employment of the workers or of additional workers on such place of employment or that the health and condition of the workers living or employed thereon have become satisfactory, rescind the order made under subsection (2) and thereupon it shall be lawful for the employer to employ workers or additional workers, as the case may be, on such place of employment.

*Power to make orders.*

152. (1) The Commissioner or health officer may by order in writing require any employer to take within such reasonable time as he may determine such steps as he considers necessary with a view to remedying defects observed in plant, lay-out, working methods, supervision, medical or sanitary provision or other matters at any place of employment which he may have reasonable cause to believe constitute a threat to the health or safety of workers.

*[40 of 1963.]*

152. (2) If any employer is dissatisfied with any order made or given by the Commissioner or health officer under subsection (1) he may appeal from such

order to the Minister within fourteen days of the date of such order being communicated to him.

*[40 of 1963.]*

152. (3) The Minister on considering such appeal may confirm or rescind such order, or may confirm such order subject to such variations as he may think fit.

*Provision of shelter from inclement weather. [4 of 1969]*

153. Every employer who employs a worker wholly or mainly to watch over property shall provide the worker with adequate shelter from inclement weather to the satisfaction of the Commissioner.

*Burial of deceased worker or dependent. [10 of 1960.]*

154. An employer shall provide decent internment for any deceased worker who was resident at the place of employment at the time of death or for any deceased dependent of a worker who was resident at the place of employment at the date of death unless in the case of a deceased worker a relative or friend undertakes the duty and in the case of a deceased dependent of a worker the worker undertakes such duty.

*Regulations. [40 of 1963.]*

155. The Minister may make regulations to give effect to this Part and without prejudice to the generality of the foregoing may by regulation provide for-

- (a) the provision and maintenance by employers of house accommodation, water supply and sanitary arrangements;
- (b) the care and transport of sick or injured workers and the provision and maintenance of first-aid equipment.

*Offences.*

156. Every employer who-

- (a) contravenes or fails to comply with any of the provisions of sections 149, 150 or 151 commits an offence and is liable on summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment;

*[40 of 1963. 11 of 1965.]*

- (b) contravenes or fails to comply with any Order of the Minister or requirement of the Commissioner or the health officer or any regulations made under this Part commits an offence and is liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars or to

imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

## **PART XIV Forced Labour**

### *Interpretation.*

157. In this Part-

"forced labour" means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily, provided that the term "forced labour" shall not include-

- (a) any work of a purely military character or service exacted by virtue of compulsory military service laws;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, hurricane, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

### *Prohibition of forced labour.*

158. (1) No person shall impose or permit the imposition of forced labour.

158. (2) Notwithstanding anything contained in paragraphs (b) and (c) of the proviso to section 157 no person shall impose or permit the imposition of forced or compulsory labour-

- (a) as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic developments;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

158. (3) Any person who imposes or permits the imposition of forced labour is guilty of an offence.

*Application to Government.*

159. This Part, with the exception of section 158 (3), shall apply to Government of Belize.

## **PART XV Employment of Women and Children**

*Interpretation.*

160. (1) In this Part-

"family" means the employer and the spouse and any children of the employer;

"night"-

- (a) with reference to the employment of women, means at least eleven consecutive hours including the interval between 10 p.m. and 5 a.m. provided that in industrial undertakings which are influenced by the seasons of the year the Commissioner may by notice published in the Gazette declare that the period may be reduced to ten hours instead of eleven hours for sixty days in the year; and

*[20 of 1964].*

- (b) with reference to, the employment of persons who are under the age of sixteen years means at least the twelve consecutive hours from 6 p.m. to 6 a.m.; and

(c) with reference to the employment of persons who have attained the age of sixteen years but are under the age of eighteen years means at least twelve consecutive hours falling between 5 p.m. and 6 a.m.;

"vessel" includes a ship or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but does not include a ship of war;

"woman" means a female person who has attained the age of eighteen years.

*[40 of 1963.]*

160. (2) If, having regard to the nature of the work involved in any occupation which forms part of an industrial undertaking, the Minister considers that such occupation should be excluded from all or any of the provisions of this Part relating to industrial undertakings he may, by Order declare that employment in such occupation shall be deemed not to be employed in an industrial undertaking to the extent specified in such Order.

*Prohibition of night work.*

161. (1) Subject to the other provisions of this Part, no person shall employ during the night, in a public or private industrial undertaking-

- (a) a woman; or
- (b) a person under the age of eighteen years.

*[20 of 1964.]*

161. (2) If a person is employed in contravention of subsection (1), the employer and any person (other than the person employed) to whose act or default the contravention is attributable commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

*Exceptions.*

162. (1) Section 161, with respect to the employment of women during the night, shall not apply-

- (a) to women holding responsible positions of a managerial or technical character;
- (b) to women employed in health and welfare services who are not ordinarily engaged in manual work;
- (c) to an industrial undertaking in which only members of the same family are employed;

*[20 of 1964.]*

(d) in any case of *force majeure* when in an industrial undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character, and which is approved as such by the Commissioner; and

(e) in a case where the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration and work during the night is necessary to preserve such materials from loss and the permission of the Commissioner to perform such work during the night has been obtained.

*[40 of 1963. 20 of 1964.]*

162.(2) The Minister after consultation with any workers' or employers' organisations concerned, may by Order authorise the employment during the night of male persons who have attained the age of sixteen years but are under the age of eighteen years for purposes of apprenticeship or vocational training in such class of industrial undertakings as are specified in the Order.

*[20 of 1964. ]*

162. (3) When in a case of serious emergency the public interest demands it, the Minister, after consultation with any employers' and workers' organisation concerned, may by Order suspend the prohibition of employment of male persons between the ages of sixteen and eighteen years during the night in any industrial undertaking or any branch thereof.

*[20 of 1964. ]*

162. (4) Where in an industrial undertaking there occurs an emergency which could not have been controlled or foreseen, and which is not of a periodical character and which is approved by the Commissioner and which interferes with the normal working of that undertaking, then, during that emergency, the provisions of section 161 with respect to the employment of persons under the age of eighteen years during the night shall not apply to male persons between the ages of sixteen and eighteen years employed in that undertaking during such emergency.

*[20 of 1964.]*

162. (5) Notwithstanding section 161, the Minister, if he considers "it expedient to do so, may by order, permit women and male persons between the ages of sixteen and eighteen years to be employed in any industrial undertaking or in any branch thereof during that part of the night which falls between 7. 0p.m. and 11.00 p.m. on condition that the night-rest period of such women and male persons is of not less than twelve consecutive hours duration,

*[40 of 1963.]*

162. (6) Where the Minister considers that the employment of persons

under eighteen years of age in a family undertaking wherein only parents and their children are employed is not harmful, prejudicial or dangerous to them, he may by Order exempt them from the application of this section relating to the employment of persons under the age of eighteen years, subject to such conditions as he may think fit.

*Register.*

163. (1) The employer in a public or private industrial undertaking shall keep a register of the names, dates of birth and hours of work of all women and of all persons under the age of eighteen years employed in that undertaking.

163. (2) Any employer who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding four months.

*Employment of children.*

164. (1) Subject to subsection (2), no person shall employ a child in a public or private industrial undertaking or in a branch thereof.

164. (2) Subsection (1) shall not apply to work done by children in technical schools if such work is approved and supervised by a public authority.

*Employment at sea. [20 of 1964.]*

165.(1) Subject to subsections (2) and (3), no master of a vessel which is registered in Belize as a British ship or which is owned by any person or body of persons resident or carrying on business in Belize shall employ on such vessel, and no master of any other vessel shall engage for employment on that vessel, either-

- (a) a person under the age of fifteen years; or
- (b) any other young person unless the master has in his possession and available for inspection by a labour officer, a valid certificate of a registered medical practitioner issued not more than one year previously and certifying that he has examined the young person and found him fit for the employment proposed:

Provided that any certificate which expires in the course of a voyage shall remain valid until the end of the said voyage.

165. (2) Subsection (1) shall not apply-

- (a) to a vessel on which only members of the same family are employed; and

(b) to work done by persons under the age of fifteen years on school ships or training ships if such work is approved and supervised by a public authority.

*[40 of 1963.]*

165. (3) The Minister may make regulations to provide that that authority designated in that behalf by the regulations may issue a certificate permitting a person who has attained the age of fourteen years and is under the age of fifteen years to be employed on a vessel, if such authority is satisfied, after having due regard to the health and physical condition of such person and to the prospective as well as to the immediate benefit to him in the employment proposed, that such employment will be beneficial to him.

*Register of persons under sixteen years of age.*

166. The master of a vessel which is registered in Belize as a British ship or which is owned by any person or body of persons resident or carrying on business in Belize shall keep a register of the names and dates of birth of all persons under the age of sixteen years employed on that vessel, or a list of such names and dates of birth in the articles of agreement with the crew of that vessel.

*Trimmers and stokers.*

167. (1) No young person shall be employed on any vessel as a trimmer or stoker.

167. (2) In any case where a trimmer or stoker is required in a place where young persons of less than eighteen years of age only are available to satisfy such requirements then young persons who are of and over sixteen years of age may be employed but so that two such young persons be engaged and employed in the place of each trimmer or stoker required.

*Employers, etc., to furnish information. [20 of 1964.]*

168. (1) The employer of any young person employed on a vessel and the parent or guardian of that young person shall, if required by a labour officer, furnish to that officer such information regarding the employment of that young person as that officer may require.

168. (2) If the master of a vessel fails to keep a register as required by section 166 or refuses or neglects to produce it for inspection by a labour officer or refuses or neglects to furnish any information regarding the employment of a young person as required by subsection (1), he commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

*Restrictions on employment of children.*

169. Subject to any regulations made under section 170 no child shall be employed-

- (a) so long as he is under the age of twelve years; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before six O' clock in the morning or after eight O' clock in the evening on any day; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him; or
- (g) in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

*Regulations. [40 of 1963].*

170. (1) The Minister may make regulations with respect to the employment of children, and any such regulations may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions-

- (a) authorising the employment of children under the age of twelve years, notwithstanding anything in section 169 (a), by their parents or guardians in light agricultural or horticultural work in their parents' or guardians' lands or gardens only;
- (b) prohibiting absolutely the employment of children in any specified occupation;
- (c) prescribing in relation to children-
  - (i) the age below which they are not to be employed;
  - (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;
  - (ii) the intervals to be allowed to them for meals and rest;
  - (iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment.

170. (2) No such regulations shall modify the restrictions contained in section 169 except in so far as is expressly permitted by paragraph (a), and any restriction contained in any such regulations shall have effect in addition to the said restrictions.

170. (3) All regulations made under this section shall be subject to negative resolution.

*Saving where employment is for entertainment for charitable or educational purposes.*

171. Nothing in section 170 (1) (c) or in section 169 (d) or in any regulations shall prevent a child from taking part without fee or reward in an entertainment, the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

*Penalty for employment.*

172. (1) If any person employs a child or young person in contravention of this Part or any regulations or Order made thereunder he commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars or to imprisonment for a term not exceeding two months, and in the case of a second or subsequent offence, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding four months.

172. (2) If any parent or guardian of a child has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable to the like fine or imprisonment.

*Liability of agent of employer.*

173. When an offence of employing a child in contravention of this Part or of any regulations made thereunder is committed by an agent or workman of the employer, such agent or workman shall on summary conviction be liable to the like fine as if he were the employer.

*False certificate or representation as to age.*

174. Where a child is taken into employment on the production (by or with the privity of the parent or guardian) of a false or forged birth certificate, or on the false representation by his parent or guardian as to his age, such parent or guardian commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding four months.

*Exception.*

175. Nothing in this Part shall apply to the exercise of manual labour by any child detained under order of detention in a certified institution under the

Certified Institutions (Children's Reformation) Act [CAP.121.], or in an orphanage, or by any child receiving instruction in manual labour in any school.

*Saving.*

176. This Part shall be in addition to and not in derogation of any of the provisions of any other Act relating to the employment of women, young persons or children.

## **PART XVI Maternity Protection**

*Permitted absence from work and expenses.*

177. (1) In any public or private industrial or commercial undertaking or in any branch thereof, or in any agricultural undertaking or any branch thereof a woman shall-

(a) not be permitted to work during the six weeks following her confinement;

(b) have the right to leave her work if she produces a medical certificate given by a qualified medical practitioner stating that her confinement will probably take place within six weeks;

[10 of 1995.]

(c) while she is absent from her work in pursuance of paragraphs (a) and (b) be paid not less than fifty per cent of the wages which she normally would have earned had she not been so absent:

Provided that during the twelve months preceding her confinement she was employed by the same employer for a period of not less than one hundred and fifty days.

[6 of 1979.]

177. (2) The provisions of paragraph (c) of subsection (1) and the provision thereto shall not apply to a woman in receipt of or entitled to receive maternity allowance under the Social Security Act [CAP. 44.].

177. (3) No employer shall be liable to pay the medical expenses or any part of such expenses which have been incurred by a woman during or attributable for her pregnancy or confinement.

*Prohibition on serving notice of dismissal during absence.*

[20 of 1964. 6 of 1979.]

178. Where a woman is in receipt of maternity allowance under the Social Security Act [CAP. 44.] or is absent from her work in accordance with

section 177 (1) (a) and (b), or remains absent from her work for a longer period as a result of illness certified by a qualified medical practitioner to arise out of her pregnancy or confinement and rendering her unfit for work, no employer shall, unless her absence has exceeded such maximum period as the Minister may by regulation prescribe, give notice of dismissal during such absence or give her notice of dismissal at such time that the notice would expire during such absence.

*Payments to include holidays.*

179. Payments made under section 177 shall be made for every day of the period (including Sundays and public holidays) during which a woman is so absent from work.

*Payment of maternity benefits.*

180. The payments to be made in accordance with sections 177 to 179 shall be paid in two installments as follows-

- (a) in respect of the period up to and including the day of confinement, within seven days after parturition;
- (b) in respect of the period after confinement, within seven days after the end of that period: ]

Provided that if a woman dies during the said periods payment shall only be made up to and including the day of her death.

*Offence under this Part.*

181. Any person who acts in contravention of or fails to comply with any of the provisions of this Part commits an offence.

## **PART XVII Domestic Servants**

*Application to domestic servants. [40 of 1963.]*

182. The Minister may from time to time make regulations applying all or any of the provisions of this Act to domestic servants and may make regulations not inconsistent with any of the provisions of this Act, to provide generally for the engagement, repatriation and working conditions of domestic servants.

## **PART XVIII Severance Pay Provisions**

*Severance pay to be paid. [4 of 1979.]*

183. (1) Where a worker who has been continuously employed by any employer for a period of ten years or more retires on or after attaining the age of sixty years or on medical grounds he shall be paid a severance pay of one week's wages in respect of each year of service.

*[10 of 1995.]*

183. (2) Notwithstanding sections 40 and 44, where the employment of a worker who has been continuously employed for a period of five years or more is terminated on grounds of redundancy the worker shall be paid by such employer a severance pay of one week's wages in respect of each year of service:

Provided that the maximum severance pay shall be limited to forty-two weeks wages.

183. (3) For the purposes of subsection (2), an employment shall be deemed to have been terminated on grounds of redundancy if the worker's contract is terminated by the employer for any reason which does not amount to dismissal in accordance with section 46 (2).

183. (4) Subsection (2) shall apply where-

- (a) a worker abandons the service of an employer and shows good and sufficient cause for such abandonment of service; or
- (b) the contract is for a definite period and the employment is terminated on the expiration of such period and the contract either makes no provision for or makes less favourable provision for severance pay.

*[10 of 1995.]*

183.(5) A worker with a minimum of ten years' continuous service who resigns his employment shall be eligible for a gratuity equal to severance pay computed in accordance with the foregoing provisions of this section.

*Meaning of the expression "continuously employed." [4 of 1979.]*

184. A worker whose employment is of a casual nature but who has worked for an aggregate of one hundred and eighty days within any calendar year for at least the continuous period specified in section 183 (1) and (2) with the same employer, shall be deemed to be continuously employed for the purpose of this Part.

*Calculation of weekly wages. [4 of 1979.]*

185. For the purposes of section 183 the weekly wages of a worker shall be-

- (a) where the worker is paid by the month or the week the total basic wages earned for a continuous period of twelve months immediately preceding the date of termination divided by fifty two;

(b) where the worker is paid by the day or hour, the average basic weekly earnings paid by the employer within the category at the date of termination;

(c) where the worker is paid by the unit of work, or by a share in the profits, or by a commission on the sales or payments made or received by the employer, the average weekly earnings of the worker during the three months immediately preceding the date on which the termination takes place.

*Termination on medical grounds. [40 of 1979.]*

186. (1) A worker who seeks to terminate his employment on medical grounds shall serve his employer with a notice in writing to that effect supported with a medical certificate issued by a registered medical practitioner.

186. (2) If an employer, on whom a notice in writing of termination on medical grounds is served, fails within twenty-one days to come to agreement as to the worker's condition of fitness for employment the matter shall be determined, on application being made by the worker or employer, by a Medical Board appointed by the Minister.

*Medical Board. [4 of 1979.]*

187. The Minister shall appoint a Medical Board which shall consist of such number of medical practitioners as the Minister thinks fit and may revoke signed, charged or attached nor shall any claim be set off against it.

*Payment in case of death of worker. [4 of 1979.]*

188. If a worker who was qualified for payment under section 183 dies while still in the employment of an employer, the employer shall, within one month from the date of death, deposit any payment due under this Part with the Registrar General to the account of the estate of the deceased worker. Where any employer fails to do so, the Commissioner shall recover the amount due in a civil suit and pay it to the Registrar General to be credited to the account of the estate of the deceased worker.

*Payment in other cases. [4 of 1979.]*

189. (1) Every employer other than an employer referred to in section 188 who is liable to make payment under this Part shall, unless such payment has been made to the satisfaction of the worker concerned, within one month of the termination of the services of the worker, deposit with the Commissioner the severance pay due to such worker, or shall enter into a bond with sufficient sureties in such sum as may be fixed by the Commissioner to ensure the payment of any amount due under section 183.

189. (2) Every such bond shall be made in favour of the Commissioner and deposited with the Registrar General.

189. (3) The Commissioner shall upon any employer failing to pay any sum due under section 183 enforce the bond in relation thereto.

*Agreement to exclude any provisions of this Part null and void. [4 of 1979.]*

190. Any agreement between an employer and the worker which purports to exclude the operation of any of the provisions of this Part shall be null and void.

*Regulations. [4 of 1979.]*

191. The Minister may, by regulations, determine the form of and the terms and conditions to be included in a bond to be entered into by an employer under section 189 of this Act.

*Payment incapable of being assigned, etc. [4 of 1979.]*

192. No payment due to a worker under this Part shall be capable of being assigned, charged or attached nor shall any claim be set off against it.

*Penalty of non-payment. [4 of 1979.]*

193. Any person who acts in contravention or fails to comply with any of the provisions of this Part commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars or to six months imprisonment or to both such fine and term of imprisonment. Where the court hearing the case convicts any employer for any offence under this Part, it shall in addition to any punishment it may impose, order the payment of any sum due to the worker.

*Contributory retirement schemes. [4 of 1979. 7 of 1984. 10 of 1995.]*

194. (1) A worker, who becomes entitled under any law to a pension, age benefit, retirement benefit or benefit under a scheme to which his employer is required to contribute, other than the contributions payable under the Social Security Act [CAP. 44.] and regulations made thereunder, shall nevertheless be entitled, if he thereafter ceases work in the circumstances set out in section 183, to severance pay in respect of any period which was served by him prior to his becoming entitled to such pension or benefit and which is not taken into consideration in ascertaining such pension or benefit.

*[10 of 1995.]*

194. (2) A worker, who becomes entitled under any law to a pension, age benefit, retirement benefit or benefit under a scheme to which his employer is required to contribute, other than the contributions payable under the Social Security Act [CAP. 44.] and regulations made thereunder, shall nevertheless be entitled, providing he fulfils any requirement therein contained, to any benefit he would have been entitled to under any collective agreement or other contract of

service in respect of any period which was served by him prior to his becoming entitled to such pension or benefit and which is not taken into consideration in ascertaining such pension or benefit.

194. (3) For the avoidance of doubt it is hereby declared that the liability of the employer to pay the severance pay arises on the date of the cessation of work by the employee in the circumstances set out in section 183 or in any collective agreement or contract of service.

## **PART XIX**

### **Miscellaneous Provisions**

*Regulations regarding fair labour practices. [4 of 1979.]*

195. The Minister may by regulation prescribe either generally or in respect of any trade, industry or employment a code of practice which would constitute fair labour practice and may in the regulations provide for the punishment of or for other remedies for any violation of any such fair labour practices.

*Employer exempt where third party liable.*

196. Where an employer is charged with a breach of any of the provisions of this Act or any offence under this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing of the charge, and if, after the commission of the offence has been proved and such other person has been an opportunity of defending himself, the court is satisfied that the employer had used due diligence to comply with the provisions of this Act, and that the other person had committed the offence in question without the employer's knowledge, consent or connivance, such other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

*Third party may be directly proceeded against.*

197. When it is made to appear to the satisfaction of the Commissioner that the employer had used all due diligence to enforce compliance with the Act, and that the offence had been committed by another person, and also that it had been committed without the knowledge, consent or connivance of the employer, then the Commissioner may proceed against the person whom he believes to be the actual offender in the first instance without first proceedings against the employer.

*Proof of authority of agent.*

198. No worker shall be required in any proceedings under this Act, or any regulations made thereunder to prove the authority of any agent of an employer.

*General penalty.*

199. Any person who commits an offence against this Act for which no special penalty is otherwise provided shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to a period of imprisonment not exceeding six months.