

Healthy employment relations
and social protection



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BELIZE

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**LABOUR
DEPARTMENT**

FUNCTIONS OF THE LABOUR DEPARTMENT

1. Enforcement of labour legislations
2. Inspection of all workplaces
3. Labour advice and education
4. Foster trade unionism and promote healthy industrial relations
5. Receive and settle labour complaints
6. Provide employment services
7. Vetting of temporary employment permits

Labour complaints may be settled in the magistrate court. Workers can seek redress for unfair dismissal or wrongful termination through the Labour Complaints Tribunal. The following is important to note in our labour regulations:

NOTICE

Periods of notice:

Over 2 weeks to 6 months	-	1 week
Over 6 months to 2 years	-	2 weeks
Over 2 years to 5 years	-	4 weeks
Over 5 years	-	8 weeks

The first two weeks of any employment is considered probationary and may be terminated by either party without notice.

DISMISSAL

Good and sufficient cause for dismissal without notice:

1. Misconduct (whether on the job or not);
2. Wilful disobedience to lawful orders;
3. Lack of skill which the worker express to possess;
4. Habitual or substantial neglect of duties;
5. Absence from work without permission of the employer or other reasonable excuse.

HOURS OF WORK AND OVERTIME

Overtime:

A worker who works more than:

- 8 hours per day in accordance with the Shops Act;
- 9 hours per day in accordance with the Labour Act;
- 6 days per week; or,
- 45 hours per week should be paid at the overtime rate of one and one-half times (1.5) the regular rate.

A worker is not obligated to work overtime hours.

There must be mutual agreement between an employer and worker to work overtime hours.

ANNUAL LEAVE

Every worker at the end of each year is entitled to an annual leave of at least **two (2) working weeks**.

Where a worker is terminated before becoming entitled to the holiday and has worked three (3) months in respect of the Labour Act and 1 month in respect of the Shops Act, vacation accrues.

This is calculated as total remuneration (excluding overtime) divided by 26 per Labour Act; and 1/6 multiplied by weekly wage multiplied by number of months worked per the Shops Act.

PUBLIC AND BANK HOLIDAY

A worker paid by the hour, by the day, by piece or by task should be paid a day's pay as holiday pay, if he is at work on the scheduled work day immediately preceding and immediately following the public and bank holiday. Please note that the public and bank holiday has to fall on a normal working day for the worker to qualify for the holiday pay.

There are thirteen (13) public and bank holidays in Belize. All work done on Christmas, Good Friday, and Easter Monday are paid double the ordinary rate. All other public and bank holidays are paid at one and a half time the ordinary rate.

New Years Day	1.5
Baron Bliss Day (9th March)	1.5
Good Friday	2.0
Holy Saturday	1.5
Easter Monday	2.0
Labour Day (1st May)	1.5
Commonwealth Day (24th May)	1.5
National Day (10th September)	1.5
Independence Day (21st September)	1.5
Pan-American Day (12th October)	1.5
Garifuna Settlement Day (19th November)	1.5

Christmas Day	2.0
Boxing Day (26th December)	1.5

The days on which the holidays are commemorated are published each year in the *Government Gazette* and a copy can be obtained from the Labour Department.

PUBLIC AND BANK HOLIDAY/REST DAY

If the rest day is the same day every week and a public and bank holiday falls on the rest day, then the worker is NOT entitled to pay for the public and bank holiday.

The worker is not to lose from a regular week's wages if a public holiday falls on a regular work day.

SICK LEAVE

A worker has to be employed for at least sixty (60) days to be entitled to sick leave with pay. Within any twelve months period, he is entitled to sixteen (16) working days sick leave with full pay.

A worker should produce a medical certificate to be entitled to sick leave with pay. An employer should give a worker in writing forty-eight (48) hours to produce a medical certificate.

PAYMENTS FOR SICK LEAVE

The employer pays the difference between payments made by Social Security Board (SSB) and the employee's basic rate of pay for sixteen (16) working days. Payment after the sixteen (16) working days of illness will be paid by Social Security in accordance with Social Security Act.

SEVERANCE PAY

Where an employee who has been continuously employed by any employer for a period of

- (a) five to ten years and
 - (i) his employment is terminated by the employer, or
 - (ii) the worker retires on or after attaining the age of sixty years or on medical grounds,

that worker shall be paid a severance pay of one week's wages in respect of each complete year of service; or

- (b) over ten years and his employment is
 - (i) terminated by the employer for reasons, which do not amount to dismissal, or
 - (ii) ended because the worker retires on or after attaining the age of sixty years or on medical grounds,
 - (iii) worker abandons the service of an employer for good and sufficient cause, or

- (iv) a worker who resigns after a minimum of 10 years is eligible for a gratuity equal to severance pay, or
- (v) terminated on the expiration of a contract for a definite period.

that worker shall be paid a severance pay of two weeks' wages in respect of each complete year of service.

Note: Where a worker has completed over 10 years of continuous employment, the severance pay shall be computed as follows:

- a. For the period served before 1st May, 2011 at the rate of one week's pay for each complete year of service
- b. For the period served after 1st May, 2011 at the rate of two weeks' pay for each complete year of service.

In the case of casual workers, they must work an aggregate of one hundred and eighty (180) days in a year to be entitled to severance pay.

MATERNITY LEAVE

A female worker is entitled to fourteen (14) weeks maternity leave on full pay. Maternity leave shall be taken as follows:

- Up to a maximum of seven (7) weeks before the expected date of confinement;
- The balance after the expected date of confinement;
- Two (2) weeks before and seven (7) weeks after the expected date of confinement is mandatory.

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 (150)** to qualify for full pay from the employer.

If a worker is entitled to maternity benefits under the Labour Act and Social Security Act, the worker will receive maternity benefits from Social Security and in addition be entitled to be paid by her employer the difference, if any.

Please note that an employer cannot terminate a worker during this period.

MINIMUM WAGES

- All manual workers except those engage in agriculture, or agro industry, or export oriented industry - \$3.30 an hour e.g. construction worker, security guards.
- All manual workers engaged in agriculture, agro-industry, export-oriented industry - \$3.30 an hour e.g. farm workers, workers at sewing factory.
- Shop Assistants who are employed where liquor is sold and consumed - \$3.30 an hour e.g. waitresses.
- Shop Assistants employed in shops where liquor is not sold and consumed - \$3.30 per hour e.g. gas stations, dry good stores.

5. Domestic workers employed in private homes - \$3.30 per hour.
6. Domestic workers employed in boarding houses, guest houses, hotels, and other public establishments - \$3.30 per hour.
7. Bona fide students who may be employed outside of school hours or during school vacation in premises covered by the Shops Act - \$3.00 per hour.

Please note that minimum wages only cover unskilled workers. Workers who possess a certificate or additional training must negotiate their wages.

SHIFT WORKERS

It is permissible to employ a shift worker without paying overtime if the average number of hours over a period of three weeks or less does not exceed the daily or weekly number of overtime hours.

Eg. 75 hours - week 1
 30 hours - week 2
 30 hours - week 3

Total 135 hours divided by 3 weeks = 45 hours, so this employer does not have to pay overtime. The employer is **still obligated** to pay the worker additional overtime wages for any work done on public and bank holidays.

RESTRICTED DEDUCTIONS

Section 105 of the Labour Act strictly prohibits an employer from making any deduction or any agreement or contract with a worker to deduct money from a worker's wages 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.

A NOTE TO WORKERS

All oral **contracts of service**, that is contracts made by word of mouth, are governed by the Labour Act. **It is contrary to the law** to make any oral contract that violates any provisions of the Labour Act that govern oral contracts.

Workers are to ensure that their employers make deductions for Social Security contributions and pay those deductions into the Social Security Office. A worker should check with the nearest Social Security office to see whether or not the employer is paying. The mere fact that an employer makes Social Security deductions does not mean the deductions are actually being paid into Social Security.

A worker should not leave it to the employer to register him or her and assist with obtaining a Social Security ID card.

A NOTE TO EMPLOYERS

Employers are required to make Social Security deductions for all their workers and **to forward those payments to the Social Security Board.**

Employers are required to keep and maintain employment records for their workers in accordance with section 16 of the Labour Act. Those records should include: name and address of the worker; rate of pay; hours and dates of work; rate of overtime; gross pay for each pay period; and signature of employee in respect of each pay period.

The keeping of records is a legal obligation that actually protects the employer in the event of a labour dispute with a worker.

Employers are reminded that Labour offences carry fines and imprisonment penalties.

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