



BELIZE

**LABOUR ACT
CHAPTER 297**

REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011

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CHAPTER 297

LABOUR

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[1ST August, 1960]

PART I

Preliminary

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

Short title.

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,

Interpretation.

“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;

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

“collective agreement” means a written agreement between an employer, or an employers’ organization authorized by the employer, and a trade union concerning terms and conditions of employment and any other matter of mutual interest;

“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);

“commission agent” means an agent or employee who is remunerated by commission;

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

“common law union” as used in this Act shall have the meaning assigned to it in section 148D-(1) of the Supreme Court of Judicature Act, Cap. 91;

“continuous employment” means an employee’s period of uninterrupted employment with the same employer or the successor employer under section 184 of this Act;

“contract of employment” or “contract of service” means any agreement between an employer and a worker, whether expressed or implied, oral or written, for a definite or indefinite period by which the worker works under the authority and directions 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 rate, and includes a contract of apprenticeship or probation;

“contract worker” means a person who performs work for another person pursuant to a contract of employment;

“dependent” means wholly or substantially dependent on the employee;

“disabled person” means an individual whose prospects of securing, retaining, and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment;

“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;

“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;

“employment” includes part time employment and employment under a contract of employment;

“employment agency” means any person who, whether for payment or not, assists persons to find employment or assists employers to find employees;

“family responsibilities” in relation to an employee, means responsibilities of the employee to care for or support,

(a) a dependent child of the worker; or

- (b) any other immediate family member who is in need of care and support;

“gross misconduct” means misconduct that is such that the employer cannot reasonably be expected to take any course other than to terminate the employment of the worker;

“health officer” has the same meaning as it has in the Public Health Act, Cap.40;

“immediate family member” includes spouse of the worker or child, parent, or grandparent;

“indefinite period” means employment under a contract of employment where the period of service is not specified;

“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;

“lockout” means an employer’s,

- (a) closing of an enterprise or place of business;
- (b) suspension of work;
- (c) refusal to continue to employ any number of workers, with a view toward inducing or compelling workers directly or indirectly, through their bargaining agent, to accept conditions of employment which have been offered to the workers, and which have been rejected by them and includes the employer’s action to induce or compel acceptance by the workers, or their bargaining agent, or another employer, of conditions of employment so offered and rejected;

“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;

“marital status” means the status or condition of being,

- (a) single;
- (b) married;
- (c) married but living separately and apart from one’s spouse;
- (d) divorced;
- (e) widowed;
- (f) the common law union spouse of another person;

“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;

“period” means the period not exceeding six months that may be designated as such by an employer pursuant to sections 29.A-(1) of this Act;

“principal” means,

- (a) in relation to a commission agent, a person for whom work is done by that commission agent;
- (b) in relation to a contract worker, a person for whom a contract worker performs work otherwise than under a contract of employment;

“probationary period” means the period not exceeding six months that may be designated as such by an employer pursuant to sections 29A.

“public holiday” has the same meaning as it has in the Holidays Act, Cap. 289;

“redundancy” means the loss of employment as defined in section 45 of this Act;

“redundancy benefit” means the amount of money that an employee whose employment has been terminated on account of redundancy is entitled to receive from his employer pursuant to section 183 of this Act;

“strike” means a partial or total withdrawal of services from an employer by two or more workers, in concert or pursuant to a common understanding, or at the request or upon the order of their bargaining agent, either,

- (a) as a protest against a condition of work or employer action related thereto; or
- (b) as a device to induce or compel the employer, or his bargaining agent, to accept conditions of employment which they have requested and which request has been refused, and includes an action designed to induce or compel the acceptance by another employer, or his bargaining agent, of conditions of employment which his workers have requested and which request has been refused;

“summary dismissal” means termination of the contract of employment by the employer without notice or other termination benefits payable under section 183 of this Act;

“Tribunal” means the Labour Complaints Tribunal established under section 200 of this Act;

“worker” or “employee” means a person who has entered into or works under a contract with an employer under a contract of employment,

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.

PART II

The Labour Department

Appointment of officers.

3. The Governor-General, acting pursuant to section 107 of the Belize Constitution, Cap. 4 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.—(1) It shall be the duty of the Labour Commissioner, subject to the directions of the Minister,

40 of 1963.
20 of 1964.
3 of 2011.

(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;

40 of 1963.

(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;
- (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.

10 of 1960.

(2) The Labour Commissioner shall receive and investigate complaints from employees concerning employer's action of unfair dismissal or wrongful termination with a view to settlement and conciliation.

(3) Subject to subsection (2) of this section,

- (a) the Labour Commissioner may submit to the Tribunal, any matter under section 201 of this Act, which the Tribunal has jurisdiction to hear;
- (b) a worker may request the Labour Commissioner to submit his complaint to the Tribunal where the worker is not satisfied with the decision of the Labour Commissioner and the Labour Commissioner shall comply with the worker's request if the matter fall within the jurisdiction of the Tribunal.

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.

(2) Every employer who fails to comply with subsection (1) of this section 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.

(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.

(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.

(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.

(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) of this section, commits an offence.

7. A labour officer may,

Institution of proceedings.

- (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

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

Officers authorised to perform inspection duties. 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;
- (iv) take or remove in sufficient quantities for purposes of analysis samples of materials and

40 of 1963.

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.

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.

Notification of presence.

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.

Credentials.

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,

Duties of employers.

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

(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.

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

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

Manufacturing or commercial secrets not to be divulged.

(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.

(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.

(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.

(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.

18. The Minister may make regulations for the following purposes,

Regulations.
40 of 1963.

- (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

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.

Establishment of
Labour Advisory
Board.
40 of 1963.
11 of 1985.

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

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

Duties of Board.
40 of 1963.

Chairperson 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 Chairperson of the Board, and another such member to be Deputy-Chairperson. In the absence of the Chairperson from any meeting of the Board, the Deputy-Chairperson shall preside.

Meetings of Board.
20 of 1964.

22. The Board shall be convened by the Chairperson, and the Chairperson 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

- 26.** Where one period of employment under a contract of employment for an indefinite period is followed by another period of similar employment with the same employer commencing within the next ensuing six months from the last day of employment, the two periods shall be deemed to be one continuous period. Continuous employment.
3 of 2011.
- 27.—**(1) Subject to subsection (2) of this section, 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. Contracts to comply with Act.
- (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.
- 28.** Any person failing to comply with section 27 of this Act, commits an offence. Offence.
- 29.** This Part shall, unless the contrary intention appears, apply both to oral and written contracts. Application.
- 29A.—**(1) Notwithstanding any agreement to the contrary, the first two weeks of any employment under the contract shall be deemed to be probationary employment and may be terminated at will by either party without notice. Probationary period.
3 of 2011.
- (2) Notwithstanding any agreement to the contrary, where agreement is reached between the employer and the worker for a probationary period which exceed two weeks, the worker is entitled to any benefits which he may accrue during the probationary period if the employment is terminated by either party.

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, Cap. 300.

Contracts of minors.

31. Notwithstanding anything to the contrary contained in the Contract Act, Cap. 156 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 of this Act, 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.

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.

Death of a worker.

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

Imprisonment of a worker.

36.—(1) A contract shall be terminated,

Circumstances in which contract may be terminated.
3 of 2011.

- (a) by the expiry of the period for which it was made; or
- (b) by the death of the employer or worker.

(2) If the worker 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.

(3) 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.

Notice period for
voluntary termi-
nation of contract.
3 of 2011.

37.—(1) The notice of the termination of a contract of employment for an indefinite period may be terminated either by the employer or by the worker, without assigning reason therefor, by giving to the other the notice for the period specified in subsection(2) of this section.

(2) Where the worker has been in the employment of the same employer continuously, the period of notice shall be as follows,

Period of Employment	Notice Period Required
For more than 2 weeks but not more than 6 months	One week
For more than 6 months but not more than 2 years	Two weeks
For more than 2 years but not more than 5 years	Four weeks
More than 5 years	Eight weeks

(3) The periods of notice under subsection (2) of this section shall not apply where,

- (a) periods of notice are regulated by a collective agreement;
- (b) the employer is entitled to summarily dismiss a worker under section 43 of this Act;

- (c) an employer and a worker agree on a longer period of notice;
- (d) the employer or a worker, as the case may be, waives the right to receive notice.

(4) A notice of termination under subsection (1) of this section, shall not be given by an employer during an employee's period of absence on any lawful leave granted.

38.—(1) A period of notice shall commence on the first day of the pay period next following that during which the notice was served,

Beginning of period of notice and consequence of failure to give notice.
3 of 2011.

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

(2) Instead of providing notice of termination in accordance with section 37 of this Act, the employer may pay the worker a sum equal to the wages and other remuneration and confer on the worker all other benefits that would have been due to the worker up to the expiry of any required period of notice.

(3) Where a worker under a contract of employment for an indefinite period fails to give notice in accordance with section 37 of this Act, 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.

(4) 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 required period of notice as defined in section 37 of this Act.

39.—(1) An employer who dismisses or wrongfully terminates an employee before the expiration of the time definitely specified by a contract of employment 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.

Breach of employment where period of employment is defined.
3 of 2011.

(2) A worker who abandons the service of his employer before the time definitely specified by a 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.
3 of 2011.

40. 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 38 and 39 of this Act, 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.
3 of 2011.

41.—(1) Notwithstanding the foregoing provisions of this Part, an employer may dismiss the worker or the worker may abandon service of the employer, without giving notice and without any liability to make payment as provided in sections 37 to 40 or section 183 of this Act, 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.

(2) For the purpose of subsection (1) of this section, good and sufficient cause for dismissal without giving notice shall include dismissal,

- (a) when an employee 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 employment;
- (b) for wilful disobedience to lawful orders given by the employer;
- (c) for lack of skill which the worker 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.

42.—(1) Notwithstanding anything to the contrary contained in any other law or agreement, the following reasons do not constitute good and sufficient cause for dismissal or for the imposition of disciplinary action against a worker,

Unfair dismissal.
3 of 2011.

- (a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;
- (b) seeking office as, or acting or having acted in the capacity of, a worker's representative;
- (c) the filing of a complaint, petition or the participation in proceedings against an employer involving alleged violation of any law, or recourse to competent administrative authorities;
- (d) worker's race, colour, sex, marital status, ethnic origin, family responsibilities, religion, nationality, indigenous population or social origin;
- (e) political opinion of a worker where that opinion does not interfere with work performance;
- (f) worker's physical structure, disability or age; subject to any law or collective bargaining agreement regarding retirement;
- (g) a female worker's pregnancy or a reason connected with her pregnancy, or absence from work during maternity leave;
- (h) that was subjected to sexual harassment at the work place or by the employer or another worker of the same employer;
- (i) HIV status;

- (j) temporary absence from work because of illness or injury not caused by the worker's own negligence and certified by a registered medical practitioner;
- (k) compulsory military leave;
- (l) participation in industrial action;
- (m) any other reason which the Minister may by Order published in the *Gazette*, determine.

(2) For the purpose of this section, the term unfair dismissal includes any distinction, execution or preferences made on the basis of nullifying or impairing equality of opportunity or treatment in employment or occupation.

(3) A reference in subsection (1)(h) of this section to the term "sexual harassment" is a reference to sexual harassment as constituted in the Protection Against Sexual Harassment Act, Cap. 107.

(4) A reference in subsection (1)(j) of this section to the term "temporary absence from work" is a reference to a medically certified period of absence not extending beyond a twelve month period but which does not apply to workers,

- (a) engaged under a contract of employment for a specified period of time or for a specified task;
- (b) serving a period of probation or qualifying period of employment determined in advance and of reasonable duration;
- (c) engaged in employment of a casual nature.

42A.-(1) An employee is entitled to terminate the contract of employment without notice or with less notice than that to which the employer is entitled by any statutory provision or contractual term, where the employer's conduct has made it unreasonable to expect the worker to continue the employment relationship.

Constructive dismissal.
3 of 2011.

(2) Where the contract of employment is terminated by the employee pursuant to subsection (1) of this section, the employee shall be deemed to have been unfairly dismissed by the employer for the purposes of this Act.

43.—(1) An employer is entitled to dismiss summarily without notice or without payment of any severance or redundancy allowance or terminal benefit, any worker who commits an act of gross misconduct.

Summary dismissal.
3 of 2011.

(2) The gross misconduct referred to in subsection (1) of this section, is restricted to that conduct which is directly related to the employment relationship and has a detrimental effect on the business and is based on the operational requirements of the enterprise of such a nature that it would be unreasonable to require the employer to continue the employment relationship.

44.—(1) The employer may give a written warning to a worker where that worker,

Termination for misconduct, etc.
3 of 2011.

- (a) breaches a condition of employment;
- (b) behaves in a manner which constitutes a misconduct;
or
- (c) behaves in a manner which constitutes gross misconduct.

(2) If the worker after being warned pursuant to subsection (1) of this section, commits the same or similar misconduct, the employer may terminate the worker's contract of employment without notice.

(3) Where the employer acted pursuant to subsections (1) and (2) of this section, the employer shall be deemed to have waived any right to terminate the employment of a worker for misconduct if the employer failed to terminate the employment after having knowledge of the misconduct or at the end of any investigation of the said misconduct.

(4) The employment of a worker shall not be terminated for unsatisfactory performance unless the employer has given the worker instructions as to how the worker should perform his duties and a written

warning to adhere to the employer's instructions and the worker continues to perform any duty unsatisfactorily.

Termination due to redundancy and Minister's order on closure or sale of business.
3 of 2011.

45.—(1) The employer may terminate the employment of the worker by giving the required notice according to section 37 of this Act, if the worker becomes redundant under the provisions of subsection (2) of this section.

(2) The worker becomes redundant under subsection (1) of this section where, in relation to his employer's business where he is employed, his termination of employment is or part of a reduction in the work force that is a direct result of,

- (a) the modernization, automation, or mechanization by the employer of all or part of the business;
- (b) the discontinuance by the employer to carry on all or part of the business;
- (c) the sale of or the disposition of all or part of the business;
- (d) subject to section 44(4) of this Act, the reorganization of the business by the employer to improve efficiency;
- (e) the impossibility or impracticability for the employer to carry on the business at its usual rate or level or at all due to,
 - (i) a shortage of materials;
 - (ii) a mechanical breakdown;
 - (iii) an act of God;
- (f) a reduced operation in the employer's business made necessary by economic conditions, including a lack of or change in markets, contraction in the volume of work or sales, reduced demand or surplus inventory;

- (g) any other circumstances which the Minister may by Order published in the *Gazette*, determine.

(3) Prior to terminating the employment of any worker pursuant to this section, the employer shall,

- (a) inform as early as possible but not later than one month from the date of the existence of any circumstances mentioned in subsection (2) of this section, the recognized trade union, or if none exists, the workers' representative, and in any case with the Labour Commissioner of,
- (i) the existence of any of the circumstances mentioned in subsection (2) of this section;
 - (ii) the reasons for the contemplated termination of employment;
 - (iii) the names, numbers and categories of the persons likely to be affected;
 - (iv) the period over which such terminations are likely to be carried out;
 - (v) a list of existing or expected claims of the workers employed by the employer arising from or in context with the employment (such as compensation, benefits or other payments due); and
 - (vi) any other matter as may be relevant;
- (b) consult as early as possible but not later than one month from the date of the existence of any of the circumstances mentioned in subsection (2) of this section, with the recognized trade union or if none exists, the workers' representative and in any case with the Labour Commissioner on,

- (i) the possible measures that could be taken to avert or minimize the adverse effects of such situations on employment;
- (ii) the planned settlement of the workers claims; and
- (iii) the possible measures that could be taken to mitigate the adverse effects of any terminations on the workers concerned.

(4) The Minister may by written order, prior to a change of name, or sale, or transfer, or closure of an enterprise request the employer to provide financial security in the amounts he sees fit to satisfy the existing claims from workers and the employer shall comply with such order within one month from the date of receipt of the Minister's order.

(5) The financial security made by order under subsection (3) of this section, shall be made with the Commissioner in an account set up for that purpose.

(6) Where an employer fails to comply with an order under subsection (3) of this section, the Commissioner shall recover the amount due in a civil suit.

(7) Notwithstanding subsection (4) of this section, a new employer planning to take over an employment relationship from the current employer may agree with the current employer and the worker to take over part or all of the claims of the worker concerning the previous employment relationship.

46.—(1) An employer may take disciplinary action other than dismissal where it is reasonable to do so.

(2) For the purposes of this section, disciplinary action other than dismissal, includes in order of least severity,

- (a) a written warning;

Disciplinary ac-
tion.
3 of 2011.

- (b) stoppage of annual bonus (in businesses which operate a bonus scheme);
- (c) suspension with half pay for a period not exceeding 30 days; or
- (d) demotion to a lower rank (in industries where there is a grading scheme).

(3) In deciding what is reasonable under the circumstances pursuant to subsection (1) of this section, the employer shall have regard to the following,

- (a) nature of the violation;
- (b) terms of the employment contract;
- (c) worker's duties;
- (d) penalty imposed by the employer;
- (e) pattern and practice of the employer in similar situations;
- (f) procedure followed by the employer;
- (g) nature of any damage incurred; and
- (h) previous conduct and the circumstances of the worker.

(4) A complaint that disciplinary action is unreasonable may be made in writing to the Labour Commissioner who shall review the complaint and submit to the Tribunal within 5 working days a matter which falls within the jurisdiction of the Tribunal under section 201 of this Act.

47. A contract of employment 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

Termination of contract during period of worker's incapacity.
3 of 2011.

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.

Certificate of employment.
3 of 2011.

48.—(1) Where a contract of service for a period lasting over one month is terminated, the employer shall at the worker's request, give to the worker 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.

(2) A certificate under subsection (1) of this section, shall be in such form as the Commissioner may prescribe by notice published in the *Gazette*.

(3) Any employer who fails to comply with this section commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars yet not more than one thousand dollars or to imprisonment for a term not exceeding two months.

PART VI

Written Contracts of Service

Application.

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

(2) In this Part,

“contract” means a written contract of service;

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

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

50.—(1) When a contract of service of a worker,

Certain contracts
to be in writing.

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

20 of 1964.

the contract shall be made in writing.

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

(3) Where a contract which is required by subsection (1) of this section 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.

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,

Contents of con-
tract.

- (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 of this Act 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.
20 of 1964.

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.

- (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.

(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) of this section; and any contract which an attesting officer has refused to attest shall have no further validity.

(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.

(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.

(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.

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

(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.

(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.

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

Contracts by children and young persons.

(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.

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

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,

Maximum duration of contracts.

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

(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.

(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 special groups of workers.

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.

Transfer of contracts.
20 of 1964.

(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 of this Act and the worker has been duly medically examined as required by section 53 of this Act.

(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.

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57. (Repealed).

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.

(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.

(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.

(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.

(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.

(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 re-patriation.

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

(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.

(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.

(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.

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.

Re-engagement
contracts.

(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 re-engagement contract until he has had the opportunity to return home at the employer's expense.

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

(4) Except as provided in subsections (1), (2) and (3) of this section, 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 of this Act relating to medical examination.

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.

(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.

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 of this Act, shall take place before an attesting officer before the worker leaves Belize;
- (b) the medical examination required by section 53 of this Act, 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

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

Extra-territorial contracts.

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) of this Act;
- (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.

(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) of this Act.

(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) of this section, 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 of this Act;
- (b) when the Convention is not in force in the territory of origin,
 - (i) the attestation of the contract required by section 52 of this Act, 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) of this Act shall apply; and
 - (iii) the medical examination required by section 53 of this Act, 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) of this paragraph, have in fact been dealt with in accordance with the terms of the Convention by the appropriate authority of the territory of origin.

(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) of this section in respect of contracts made in one territory party to the agreement for employment in another such territory.

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.

Security by employer.

PART VII

Recruiting

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;

“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

Interpretation. In this Part.

20 of 1980.

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;
- (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.

(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.

20 of 1964.

(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.

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

Recruiter to be licensed.

(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.

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

(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.

(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.

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

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.

Recruiters' assistants.

(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.

(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.

(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.

(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.

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.

Public officers.

(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.

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

Worker-recruiters.

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

75.—(1) Recruited workers shall,

Examination of workers.

- (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.

(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 work-
ers.

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.

(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,

- (a) 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;
- (b) the security to be furnished by applicants for licences;
- (c) the records to be kept by licensees;
- (d) the remuneration to be paid to the assistants of licensees;
- (e) the restriction of recruiting to certain areas;
- (f) the supervision of worker-recruiters;
- (g) the documents to be given to the recruited worker by the licensee;
- (h) the provision of transport for recruited workers and their families from the place of recruitment to the place of employment;
- (i) 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 VIII

Employment Service

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.

Establishment of
employment of-
fices.
40 of 1963.

Responsibility of
Commissioner.

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

Duty of employ-
ment 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
- (f) performing such other duties as the Minister may direct.

20 of 1964.

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.

Manpower infor-
mation.

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.

Advisory commit-
tees.

40 of 1963.

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

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.

Registration of employers and workers.
40 of 1963.

85.—(1) Every employer engaged in an industry or occupation to which an Order made under section 84 of this Act 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.

Duty of employers.

(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.

86. Where an Order has been made under section 84 of this Act 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.

Employer may not carry on business unless registered.

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.

Certificates not to be used improperly.

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 of this Act 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.

Duty of workers.

(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.

(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 of this Act, 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 of this Act, 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.

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.

Offences.
20 of 1964.

(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.

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.

Activities involving exposure to ionizing radiations.
20 of 1964.

(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.

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.

Regulations for protection against ionising radiations.

(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 IX

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.

(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.

(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.

(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.

(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).

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

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.

Illegal conditions regarding place and manner of spending.

(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.

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.

Wages to be paid directly to worker.

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.

Worker's right to recover.

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

Periodicity of wage payments.

- (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 subsection 1 (a) to (e) 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.

(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.

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

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.

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

Payment of wages on termination of contract.

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 VII the employer or recruiter may,

Limitation of advances.

- (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.

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

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.

Interest on advances prohibited.

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.

Illegal advances to be irrecoverable.

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.

Deductions restricted.

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

Certain deductions authorized.

106.—(1) Subject to subsection (2) of this section 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;
- (b) any cash advance previously lawfully made to the worker on account of unearned wages;
- (c) the value of any foodstuffs or clothing previously lawfully supplied to the worker in consideration of his entering into the contract;
- (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;
- (e) the value of goods previously purchased by the worker from any shop or commissary lawfully operated by the employer; or
- (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.

20 of 1964.

29 of 1957.

(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.

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

(4) Subject to subsection (1) of this section, 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.

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,

Remuneration other than wages.
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.

(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.

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.

Deductions for obtaining or retaining employment prohibited.

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

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 court.

Saving as to judgment debts.

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.

(2) The proportions prescribed in subsection (1) of this section, 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 X

Hours of Work, Overtime and Holidays

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 days.

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.

Working hours.
11 of 1986.
17 of 1986.

(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.

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.

No deduction from wages for public holidays.
11 of 1965.
11 of 1986.
17 of 1986.

(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.

3 of 2011.

(3) All work done on public holidays other than Christmas Day, Good Friday and Easter Monday, which fall on a scheduled work day on which a worker would have worked but for the public holiday, shall be paid for at one and one-half times his ordinary rate of pay.

3 of 2011.

(4) All work done on Christmas Day, Good Friday and Easter Monday, which fall on a scheduled work day, that is to say, a day on which the worker would have worked but for the public holiday, shall be paid for at double his ordinary rate of pay.

(5) For the purpose of subsection (2) of this section, “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.

(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.

119.—(1) Sections 115 to 118 of this Act, shall not apply to,

Exemptions.

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

20 of 1964.

(2) The Minister may by Order exempt from the provisions of sections 115, 116 and 118 of this Act, 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.

40 of 1963.

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

Hours of actual work.

Break in working day.

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 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, Cap. 287, apply.

Interpretation in this Part.
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 then 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.

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.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

128.—(1) Every worker who takes an annual holiday in conformity with section 127 of this Act, 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.

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

20 of 1964.

Payment in respect of holiday.
20 of 1964.

(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) of this section, shall be paid to him not later than the day immediately preceding the commencement of each of the two periods.

(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.

129.—(1) Where the employment of a worker who has become entitled to an annual holiday under section 127 of this Act, 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.

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

(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) of this section.

(3) Where the annual holiday or part thereof has been taken by a worker under section 127 (4) of this Act 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) of this section,

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.

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 of this Act, 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,

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.

(2) The termination of employment by the employer for cause without notice shall not exempt the employer from the duty of making any payments due under subsection (1) of this section.

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.

(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.

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

20 of 1964.

Sick leave with pay.
19 of 1975.

(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.

(4) In the case of a worker who is entitled to sickness benefits under this section as well as under the Social Security Act, Cap. 44 such worker shall receive payment under the Social Security Act, Cap. 44 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.

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,

No power to contract out.

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.

133. Any employer who,

Offences.

- (a) refuses to allow any worker to take a holiday to which he is entitled under this Part; or
- (b) fails to pay any worker the average or other pay to which he is entitled under this Part,

19 of 1975.

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 of this Act, 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 XI

Labour Clauses in Public Contracts

Interpretation. in this Part. 29 of 1999.

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.

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.

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

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.

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

139. In the absence of any such agreement or established rates and conditions as defined in section 138 of this Act, 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.

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

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 of this Act.

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 of this Act 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 of this Act, 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.

(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.

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

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

Freedom of workers to join trade unions.

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,

Certificates to accompany claims for payment.

- (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.

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.

Contractor to provide information required by Commissioner.

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.

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

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.

Consequences of failure to comply with requirements.

PART XII

Safety, Health and Housing

Housing, water supply and sanitation.
20 of 1964.

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,

- (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.

(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.

(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.

149A.—(1) Every employer shall provide clean drinking water and appropriate sanitary facilities to his workers at every work site.

Duty of employer to provide drinking water and sanitary facilities.
3 of 2011.

(2) The employer shall maintain the sanitary facilities provided pursuant to subsection (1) of this section in good working condition and shall ensure that the premises are kept clean and hygienic.

(3) An employer who without reasonable cause (the burden whereof shall be on him) fails to comply with subsections (1) and (2) of this section,

- (a) may be fined up to one thousand dollars by the Labour Commissioner; and
- (b) if the default continues for more than two months after the initial fine, a further fine not exceeding fifty dollars per day may be imposed by the Labour Commissioner.

(4) All fines imposed under subsection (3) of this section, may be recovered as a civil debt owing to the Government from the employer.

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.

Surrounding of housing to be kept clean.

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,

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

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

(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.

(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) of this section 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.

(2) If any employer is dissatisfied with any order made or given by the Commissioner or health officer under subsection (1) of this section, he may appeal from such order to the Minister within fourteen days of the date of such order being communicated to him.

- (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. 40 of 1963.
- 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. Provision of shelter from inclement weather. 4 of 1969.
- 154.** An employer shall provide decent interment 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. Burial of deceased worker or dependent. 10 of 1960.
- 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, Regulations. 40 of 1963.
- (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.
- 156.** Every employer who, Offences. 40 of 1963. 11 of 1965.
- (a) contravenes or fails to comply with any of the provisions of sections 149, 150 or 151 of this Act, 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;
 - (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 XIII

Forced Labour, Employment of Women and Children

Interpretation in
this Part.

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.

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

Prohibition of forced labour.

(2) Notwithstanding anything contained in section 157(b) and (c) of this Act 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.

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

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

Application to Government.

Further Interpretation in this Part.

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

(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.

(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.

- 161.**—(1) Subject to the other provisions of this Part, no person shall employ during the night, in a public or private industrial undertaking, Prohibition of night work.
20 of 1964.
- (a) a woman; or
 - (b) a person under the age of eighteen years.
- (2) If a person is employed in contravention of subsection (1) of this section, 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. 40 of 1963.
- 162.**—(1) Section 161 of this Act, with respect to the employment of women during the night, shall not apply, Exceptions.
- (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;
 - (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 20 of 1964.
 - (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.

(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.

(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.

(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.

(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 7.00 p.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.

(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.

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.

Register.

(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.

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

Employment of children.

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

165.—(1) Subject to subsections (2) and (3) of this section, 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,

Employment at sea.
20 of 1964.

- (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.

(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.

(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 pro-posed, 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.

(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.

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.

20 of 1964.

(2) If the master of a vessel fails to keep a register as required by section 166 of this Act 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) of this section, he commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

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

Restrictions on employment of children.

- (a) so long as he is under the age of twelve years;
- (b) before the close of school hours on any day on which he is required to attend school;
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day;
- (d) for more than two hours on any day on which he is required to attend school;
- (e) for more than two hours on any Sunday;
- (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.

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,

Regulations.
40 of 1963.

- (a) authorising the employment of children under the age of twelve years, notwithstanding anything in section 169(a) of this Act, 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;

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.

(2) No such regulations shall modify the restrictions contained in section 169 of this Act 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.

(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 sections 170(1)(c) or 169(d) of this Act 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.

(2) If any parent or guardian of a child has contributed 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.

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.

Liability of agent of employer.

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.

False certificate or representation as to age.

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.

Exception.

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.

Saving.

PART XIV

Maternity Protection and Domestic Servant

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 female worker shall be entitled to a total of fourteen weeks' maternity leave which shall be on full pay. Maternity leave shall be taken as follows,

Maternity leave entitlements.
42 of 2005.

- (a) Up to a maximum of seven weeks before the expected date of confinement on full pay;
- (b) The balance after the expected date of confinement on full pay;
- (c) Two weeks before and seven weeks after the expected date of confinement shall be 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.

(2) Where, during the twelve months immediately preceding her expected date of confinement, a female worker was not employed by the same employer for a minimum period of one hundred and fifty days, she will be granted maternity leave without pay.

(3) In the case of a female worker who is entitled to maternity benefits under this section as well as under the Social Security Act, Cap. 44, such worker shall receive maternity benefits under the Social Security Act, Cap. 44, and in addition be entitled to be paid by her employer the difference, if any, between the maternity benefits under this section and those accruing under the Social Security Act, Cap. 44.

(4) No employer shall be liable to pay the medical expenses or any part thereof which have been incurred by a female worker during or attributable to her pregnancy or confinement.

(5) All applications for maternity leave shall be submitted at least ten weeks prior to the worker's expected date of confinement and shall be accompanied by a medical certificate from a qualified medical practitioner stating the expected date of confinement.

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 of this Act 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

Prohibition on serving notice of dismissal during absence.
20 of 1964.
6 of 1979.
42 of 2005.

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.

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

Payments to include holidays.

180. The payments to be made in accordance with sections 177 to 179 of this Act, shall be paid in two instalments as follows,

Payment of maternity benefit.

- (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.

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

Offence under this Part.

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.

Application to domestic servants.
40 of 1963.

PART XV

Severance Pay Provisions

183.—(1) Where a worker who has been continuously employed by an employer for a period of,

Severance pay to be paid.
4 of 1979.
3 of 2011.

- (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,
 - (ii) abandoned by the worker pursuant to section 41 of this Act;
 - (iii) contracted 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 provisions for severance pay; or
 - (iv) ended because 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 two weeks' wages in respect of each complete year of service.

(2) 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 this section

(3) Notwithstanding subsection (1)(b) of this section, where an employee has completed over ten years of continuous employment, the severance pay shall be computed as follows,

- (i) for the period served before 31st day of December, 2011, at the rate of one week's pay for each complete year of service; and
- (ii) for the period served after the 31st day of December, 2011, at the rate of two weeks' pay for each complete year of service.

184.—(1) 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) of this Act with the same employer, shall be deemed to be continuously employed for the purpose of this Part.

Meaning of the expression "continuously employed." 4 of 1979. 3 of 2011.

(2) Where one period of employment is less than six months but is followed by another period of employment commencing within the next following six months from the last date of employment, the two periods shall, for the purpose of determining terminal benefits, be deemed to be one continuous period.

(3) The employment of a person with an employer is deemed continuous whether or not the person remains in the same post within that job.

(4) An employee's continuous employment shall not be treated as interrupted if the employee is absent from work due to,

- (a) annual leave, maternity leave, sick leave or any other leave in accordance with the provisions of any law, contract or agreement;
- (b) the worker's suspension with or without pay, in accordance with any law or any contract or agreement;
- (c) that worker's termination of employment prior to being reinstated or re-engaged in, his previous employment in accordance with this Act, or any other law or under any contract or agreement.

- (d) having been temporarily laid-off by the employer for a period not exceeding six months;
- (e) a lockout; or
- (f) non-fulfilment of the contract of employment or agreement of the employer.

(5) Any period of time elapsing in the circumstances referred to in subsection (4) of this section, shall count for the purposes of calculating the continuous period of employment.

(6) Any period of time elapsing between the end of a probationary period and the commencement of employment with the same employer, shall count for the purpose of calculating the continuous period of employment.

(7) Any period during which an employee is absent from work because of his participation in a lawful strike, shall not interrupt the continuity of employment.

(8) Periods of short term contracts granted in succession with less than thirty-day intervals, shall count for the purpose of calculating the continuous period of employment.

(9) Acceptance of severance pay by an employee shall terminate the continuous period of employment.

185. For the purposes of section 183 of this Act, 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;

Calculation of weekly wages.

- (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.

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.

Termination on medical grounds.
4 of 1979.

(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.

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.

Medical Board.
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 case of death of worker.
4 of 1979.

189.—(1) Every employer other than an employer referred to in section 188 of this Act 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 of this Act.

Payment in other cases.
4 of 1979.

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

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

Agreement to exclude any provisions of this Part null and void.

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.

4 of 1979.

Regulations.

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.

4 of 1979.

Payment incapable of being assigned, etc.

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.

4 of 1979.

Penalty of non-payment.

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.

4 of 1979.

Contributory retirement schemes.

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 of this Act, 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.

4 of 1979.

7 of 1984.

10 of 1995.

(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.

(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 of this Act or in any collective agreement or contract of service.

PART XVI

Miscellaneous

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.

Regulations re-
garding fair la-
bour practices.
4 of 1979.

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.

Employer exempt
where third party
liable.

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,

Third party may
be directly pro-
ceeded against.

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.

PART XVII

Labour Complaint Tribunal

Establishment of Tribunal.
3 of 2011.

200.—(1) A Labour Complaints Tribunal shall be established for the purpose of providing a fair and impartial appeal process arising from complaints of unfair dismissal or wrongful termination.

(2) The organization and constitution of the Labour Complaints Tribunal shall be as set out in the Schedule.

Powers and functions of the Tribunal.
3 of 2011.

201.—(1) The functions of the Tribunal shall be to,

- (a) receive employee complaints in accordance with section 4 of this Act and hear appeals from employees regarding that complaint;
- (b) perform such other functions and to hear such other appeals as are specified in this Act or as may be prescribed by Regulations made under this Act.

(2) An employee who is aggrieved by a decision of an employer falling under subsection (1) of this section, may appeal to the Tribunal through

the Commissioner in the manner prescribed by the Tribunal pursuant to subsection (3) of the section.

(3) The Tribunal may establish procedures for the performance of its functions generally and for receiving complaints and hearing appeals pursuant to subsection (1) of this section.

202. In the exercise of its functions under this Act, the Tribunal shall not be subject to the direction or control of any other person or authority.

Independence of
the Tribunal.
3 of 2011.

203.—(1) Within twenty-one days of the date of dismissal or wrongful termination, an employee shall have the right to file a complaint to the Tribunal, through the Commissioner whether notice has been given or not.

Complaints of un-
fair dismissal.
3 of 2011.

(2) The right of an employee to make a complaint under this section is without prejudice to any right the employee may enjoy under a collective agreement.

(3) Subsection (1) of this section does not apply to a contract of employment, which is terminated pursuant to section 37(1) of this Act unless, in the case of a worker, the worker is able to give evidence to the satisfaction of the Tribunal that a reason under section 42 of the Act, may be the cause of termination of the contract of employment.

204. In any claim or complaint arising out of the dismissal or termination of a worker, the standard of proof required of the worker shall be on a balance of probabilities (civil standard).

Standard of proof.
3 of 2011.

205.—(1) If the worker's complaint of unfair dismissal or wrongful termination is proved, the Tribunal shall award the worker one or more of the following remedies,

Remedies.
3 of 2011.

- (a) an order for reinstatement whereby the worker is to be treated in all respects as if that worker had never been dismissed or terminated;
- (b) an order for re-engagement whereby the worker is to be engaged in work comparable to that in which that

worker was engaged prior to dismissal or termination, or other reasonable suitable work, from such date and on such terms of employment as may be specified in the order or agreed by the parties;

- (c) an award of compensation as specified in subsection (4) of this section; or
- (d) such other remedies as the Tribunal may order.

(2) In deciding which remedy to award, the Tribunal shall first consider the possibility of making an award of reinstatement or reengagement, taking into account in particular the wishes of the worker and employer and the circumstances in which the dismissal took place, including the extent, if any, to which the worker caused or contributed to the dismissal.

(3) Where the Tribunal finds that the worker engaged in misconduct notwithstanding the unlawful nature of the dismissal or termination, it may include disciplinary penalty as a term of the order for reinstatement or re-engagement.

(4) An award of compensation shall be such amount as the Tribunal considers just and equitable in all the circumstances having regard to the loss sustained by the worker in consequence of the dismissal in so far as that loss is attributable to action taken by the employer, and the extent, if any, to which the worker caused or contributed to the dismissal.

SCHEDULE

LABOUR ACT
Constitution and Composition
of Labour Complaint Tribunal

[Section 200]

Composition

1.—(1) The Tribunal shall consist of the following five persons,

- (a) an Attorney-at-law nominated by the Chief Justice;
- (b) one representative of the workers nominated by the National Trade Union Congress of Belize;
- (c) one representative of the employers nominated by the Belize Chamber of Commerce and Industry;
- (d) one representative nominated by the Minister;
- (e) the Commissioner of Labour, ex officio without the right to vote.

(2) The members shall be appointed by the Minister by instrument in writing for such period not exceeding [three] years as the Minister may specify in the instrument of appointment and each member shall be eligible for reappointment.

Chairperson

2. The Minister shall appoint one of the members of the Tribunal to be Chairperson of the Tribunal.

Acting Appointments

3. If the Chairperson or any other member of the Tribunal is absent or unable to act, the Minister may appoint any person to act in the place of the Chairperson or other member and in the case of paragraph 1 (1)(a), (b) and (c), on the recommendation of the nominating entities.

Resignations

4.—(1) A member other than the Chairperson may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and upon fourteen days from the date of the confirmation of receipt by the Minister of that instrument, that member shall cease to be a member of the Tribunal.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as thirty days from the date on which the Minister confirms receipt of that instrument.

Revocation

5. The Minister may revoke the appointment of any member if such member,

- (a) becomes permanently unable to perform his functions by reason of a physical or mental infirmity;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of his functions under this Act;
- (d) engages in such activities as are reasonably considered prejudicial to the Tribunal's interest.

Gazetting of Appointments

6. The names of all members of the Tribunal as first constituted and every change of membership shall be published in the *Gazette*.

Leave of absence

7. The Minister may, on the application of a member, grant leave of absence to the member

Procedure and Meetings

8.—(1) The Tribunal shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Tribunal may determine.

(2) The Chairperson may at any time call a special meeting of the Tribunal, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members.

(3) The Chairperson shall preside at all meetings of the Tribunal and if the Chairperson is absent from a meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) The quorum of the Tribunal shall be three.

(5) The Tribunal's decisions shall be by a majority of votes, and in addition to an original vote, the Chairperson or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes of each meeting shall be kept in proper form and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(7) Subject to the provisions of this Schedule the Tribunal may regulate its own proceedings.

Disclosure of Interest

9. A member who is directly or indirectly interested in any matter which is being dealt with by the Tribunal shall disclose the nature of his interest at a meeting of the Tribunal and shall not take part in any deliberation or decision of the Tribunal with respect to that matter.

Protection of Tribunal

10. No act done or proceeding taken under this Act shall be questioned on the ground of,

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of the Tribunal; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

Protection of Members

11.—(1) No action, suit or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* the course of carrying out the provisions of this Act.

(2) Where any member is exempt from liability by reason only of the provisions of this paragraph, the Tribunal shall be liable to the extent that it would if that member were a servant or agent of the Tribunal.

Remuneration of Members

12. The Chairperson and other members of the Tribunal shall be paid a fixed remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.