

BELIZE



LABOUR MANAGEMENT RELATIONS
IN BRIEF

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FOREWORD



HON. SENATOR GODWIN HULSE

**MINISTER OF LABOUR, LOCAL GOVERNMENT, RURAL
DEVELOPMENT, NATIONAL EMERGENCY MANAGEMENT AND
IMMIGRATIONS & NATIONALITY**

VISION STATEMENT

To be a modern organization, committed to the socio-economic growth and development of Belize, within the global environment, providing quality labour administration services, in collaboration with our social partners and related agencies.

MISSION STATEMENT

The Labour Department is responsible for delivering labour administration services to all stakeholders through the development and implementation of national labour laws and policies, consistent with international standards, in order to promote industrial harmony.

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INTRODUCTION

The Ministry of Labour takes great pleasure in presenting the Fifth Edition 2012 of the "Labour and You". The "Labour and You" has been revised to reflect the amendments to the Labour Laws of Belize. The purpose of this booklet is to provide quick facts and guidelines to all stakeholders, such as Employers, Employees, and Trade Unions in a more comprehensive manner. This booklet does not serve as a legal document.

The Ministry of Labour commits to the social and economic growth and development of Belize by protecting the rights of all human beings irrespective of race, creed or sex, in order to pursue their material well-being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity. The Ministry achieves its objective by fostering social partnership and dialogue between all stakeholders and also by providing quality Labour Administration services to these stakeholders.

Belize subscribes to the aims and objectives of the International Labour Organization (ILO). The Government follows practices and policies, which are embodied in certain ILO Conventions and implements the standards set out in these Conventions and

Recommendations. The Labour Department falls under the portfolio of the Minister of Labour and has responsibility for the administration pertaining to ILO standards, the Labour Laws, and the fostering of good Industrial Labour Relations. It also receives representation from and gives advice to all Stakeholders on labour matters.

The Ministry of Labour highly recommends and encourages that every work place develops and maintains good personnel management techniques designed to secure effective cooperation and good working relations between employers and employees and to protect both against unfair labour practices.

FUNCTIONS OF THE LABOUR DEPARTMENT

The following functions are entrusted to the Labour Department by virtue of the sections in the Labour Act, Chapter 297 of the Laws of Belize, Revised Edition 2003:

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

CONTRACT OF SERVICE

Not every contract to provide service creates the relationship of employer and worker, that is, which may be considered a contract of employment. This only arises where the contract is a ***Contract of Service*** and not when it is a ***Contract for Service***.

DEFINITIONS:

Contract of Service - is an 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.

E.g. Mary is employed at XYZ Supermarket as cashier and works from Monday to Friday from 8:00 a.m. to 6:00 p.m. with one hour lunch break. She receives a weekly

salary of \$225.00.

Contract for Service - is an agreement between two parties whether expressed or implied, oral or written, for a definite period where one provides services to the other without supervision for a fixed remuneration.

E.g. John Jones, the town cabinet maker was contracted by Stacey Zee to build a kitchen cabinet in her new house. John Jones agreed to build the cabinet for \$2,500.00 and Stacey Zee agreed to the cost for the cabinet.

PROBATIONARY PERIOD

The first two (2) weeks of any employment under a contract of service shall be deemed probationary employment and may be terminated at will by either party without notice.

If both parties agree to a probationary period exceeding two (2) weeks but not more than six (6) months, the worker is entitled to any benefits which he may accrue during that probationary period. Benefits may include notice, average vacation pay, etc.

CONTINUOUS SERVICE

Where one period of employment under a contract of service is followed by another period of employment with the same employer commencing within the next ensuing six months from the last date of employment, the two periods shall be deemed to be one continuous period.

An employee's continuous service shall not be treated as interrupted if absent from work due to:

- 1. Annual leave, maternity leave, sick leave or any other leave**
- 2. Suspension, with or without pay**
- 3. Temporarily being laid off by the employer for a period not exceeding six months**
- 4. Lock-out**
- 5. Non-fulfilment of the contract/agreement of the employer.**

TERMINATION OF EMPLOYMENT

DISCIPLINARY ACTIONS

An employer may take the following disciplinary action other than dismissal where the worker breaches a condition of employment or behaves in a manner which constitutes a misconduct or gross misconduct:

1. A written warning
2. Stoppage of annual bonus
3. Suspension
4. Demotion to a lower rank

TERMINATION OF THE CONTRACT OF SERVICE

There are several ways in which the contract of service may be terminated.

1. By the expiry of the period for which it was made
2. By the death of the employer or worker
3. By agreement between the parties if the worker is unable to fulfil a contract due to sickness or accident with the consent of the Labour Commissioner
4. By operation of law
5. By an act of either side terminating the contract with notice
6. By the worker becoming redundant.

NOTICE PERIOD

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

Notice of the termination of a contract of service for an indefinite time, given either by the employer or the worker, shall be of the following respective durations:

Continuous service

Over 2 weeks to 6 months
Over 6 months to 2 years
Over 2 years to 5 years
Over 5 years

Period of notice

One (1) week
Two (2) weeks
Four (4) weeks
Eight (8) weeks

The notice of period shall not apply where:-

1. Period of notice are regulated by a collective agreement
2. The employer is entitled to summarily dismissed a worker
3. An employer and a worker agree on a longer period of notice
4. The employer or a worker, waives the right to receive notice.

The notice period commences on the first day of the following pay period.

TERMINATION DUE TO REDUNDANCY

A worker becomes redundant when 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 of all or part of the business.
- c. The sale of or the disposition of all or part of the business
- d. The reorganization of the business by the employer to improve efficiency
- e. The impossibility or impracticability to carry on the business at its usual rate or level
- f. A reduced operation in the employer's business made necessary by economic conditions.

Prior to terminating the employment of any worker due to redundancy the employer shall inform and consult as early as possible but no later than one month from the date of the existence the trade union, the workers and the Labour Commissioner.

GOOD AND SUFFICIENT CAUSE FOR DISMISSAL

An employer can dismiss a worker for the following reasons without giving notice:

- a. When an employee is guilty of misconduct
- 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.

UNFAIR DISMISSAL

A worker dismissed for any of the following reasons shall be considered to be unfairly dismissed by the employer:

1. Union membership or participation in union activities
2. Seeking office as, or acting or having acted in the capacity of a worker's representative
3. 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

4. Worker's race, colour, sex, marital status, ethnic origin, family responsibilities, religion, nationality, indigenous population or social origin
5. Political opinion of a worker where that opinion does not interfere with work performance
6. Worker's physical structure, disability or age
7. Subject to any law or collective bargaining agreement regarding retirement
8. A female worker's pregnancy or a reason connected with her pregnancy or absence from work during maternity leave
9. That was subjected to sexual harassment at the work place or by the employer or another worker of the same employer
10. HIV status
11. Temporary absence from work because of illness or injury not caused by the worker's own negligence and certified by a registered medical practitioner
12. Compulsory military leave
13. Participation in industrial action

CONSTRUCTIVE DISMISSAL

A worker can terminate the contract of employment without notice or with less notice where the employer's conduct has made it unreasonable to expect the worker to continue the employment relationship. In this case the worker shall be considered to also be unfairly dismissed and the employer shall pay all benefits to the worker.

SUMMARY DISMISSAL

An employer can dismiss summarily any worker who commits an act of gross misconduct.

LEAVE

AVERAGE VACATION LEAVE

Where any worker's employment is terminated before he becomes entitled to an annual leave, the employer must pay him his average vacation pay. To be entitled to average vacation pay the worker must be employed for a minimum of three (3) months. (should we include how to calculate avg vacation)

ANNUAL VACATION LEAVE

Every worker at the end of each year of his employment is entitled to a paid annual vacation of at least two working weeks with average pay.

SICK LEAVE

A worker who has been in employment for an aggregate of sixty (60) days in the preceding twelve (12) months shall be granted sick leave with pay for a period of up to sixteen (16) working days in any twelve (12) months. Provided that he submits a certificate from a registered medical practitioner certifying his illness and the duration thereof within forty-eight hours.

A worker who is entitled to sickness benefit under the provisions of the **LABOUR ACT** as well as under the **SOCIAL SECURITY ACT**, shall receive payment under the **SOCIAL SECURITY ACT**, and in addition be entitled to be paid by his employer the difference between the sickness benefit from **SOCIAL SECURITY BOARD** and his regular wages.

Where a worker does not qualify under the Social Security Scheme for injury benefits, the provisions of the Workmen's Compensation Act shall be applied to all workers in case of personal injury by accident arising out of and in the course of employment or of scheduled occupational diseases contracted during the employment.

MATERNITY BENEFITS

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

- 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 a medical certificate stating the expected date of delivery is submitted at least ten (10) weeks before the leave is due.

Provided that during the twelve (12) months preceding her confinement she was employed by the same employer for a period of not less than one hundred and fifty (150) days.

If she was employed for less than one hundred and fifty (150) days, she will be entitled to maternity leave without pay.

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

PROTECTION OF WAGES

WAGES

Wages must be paid in full legal tender at minimum stipulated intervals. Wages shall be paid when due, on work days and at or near the place of employment or an authorised agent's office.

The periodicity of wage payments:

- a. Weekly for workers whose wages are fixed by the hour, or day or week;
- b. Fortnightly for workers whose wages are calculated solely on a piece work, task or output basis;
- c. Monthly for workers whose wages are fixed on a monthly or annual basis and workers whose wages consist of a share of profits or of a commission on sales or payments made or received by the employer.

Where a worker's service is terminated not less than one week before wages become due to be paid, the wages shall be paid within one week of the termination of the employment.

MINIMUM WAGES

Minimum wages are established to protect certain categories of workers who are susceptible to exploitation and not usually unionised.

The principal reasons are: -

- a. To avoid *sweating* where workers are forced to produce a certain number of units within a given time for very low wages in comparison to what the unit will actually cost when sold
- b. To avoid unfair competition between employer and employer and between worker and worker
- c. To reduce poverty
- d. To regulate income distribution as a policy of the government for the country.

Minimum wages are prescribed for three (3) categories of workers only: - Manual Workers, Shop Assistants and Bona Fide students, and Domestic Helpers.

1. Wages Regulations (Manual Workers) (Amendment) Order, 2007 (Statutory Instrument No. 56 of 2012) specifies: -
 - a. The minimum basic rate of \$3.30 per hour for manual workers engaged in agriculture, agro-industry or export-oriented industries.

2. Wages Regulations (Manual Workers) (Amendment) Order, 2010 (Statutory Instrument No. 56 of 2012) specifies: -
 - a. The minimum basic wage of \$3.30 per hour for all manual workers not engaged in agriculture, agro-industry or export-oriented industries.
3. Wages Councils (Wages Regulations) (Amendment) Order, 2012 (Statutory Instrument No. 55 of 2012) specifies: -
 - a. The minimum basic wage rate of \$3.30 per hour for shop assistants.
 - b. The minimum basic wage rate of \$3.30 per hour for domestic helpers.
 - c. The minimum basic wage rate for bona fide students who may be employed outside of school hours or during school vacation in premises covered by the **Shops Act** shall be three dollars (\$3.00) per hour.

All other categories of workers are either covered by negotiation or by collective agreements.

HOURS OF WORK, OVERTIME AND PUBLIC AND BANK HOLIDAYS

- a. Not more than nine (9) hours of work in any day
- b. Not more than six (6) days in any week
- c. Not more than forty-five (45) hours of work in any week
- d. Overtime at 1 ½ times the ordinary rates of pay for work done in excess of times at (a), (b) and (c).
- e. All work done on public and bank holidays other than Christmas day, Good Friday and Easter Monday is paid at 1 ½ times the ordinary rate of pay
- f. All work done on Christmas Day, Good Friday and Easter Monday is paid at twice the ordinary rate of pay
- g. If a worker paid by the hour, by the day or on a piece work or task work basis does not work on any of the public and bank holidays at (e) and (f) he is paid a day's pay provided that the public and bank holiday falls on a scheduled work day, and if he is at work on the scheduled work day immediately preceding and that immediately following the public and bank 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 does not apply to workers who are paid by the piece or by task and are not subject to continuous supervision.

RESTRICTED DEDUCTIONS

No employer shall make any deduction from the worker's wages for:

- a. Any fine;
- b. Bad or negligent work;
- c. Injury to the materials;
- d. Or injury to other property of the employer.

AUTHORISED DEDUCTIONS

An employer can deduct from a worker's wages for:

- a. Materials, tools and implements supplied by the employer on the request of the worker for his use in his occupation;
- b. Cash advance;
- c. Foodstuffs, or clothing supplied to the worker;
- d. Contribution to a provident fund, sickness benefit fund (Social Security Board), credit union or trade union;
- e. Goods purchased by the worker from any shop or commissary lawfully operated by the employer;
- f. Income tax.

Deductions may not exceed one-third of wages earned during the pay period.

SEVERANCE PAY

FIVE (5) TO TEN (10) YEARS

Where a worker has been continuously employed by any employer for a period of five (5) to ten (10) years and:

1. **His employment is terminated by the employer, or**
2. **The worker retires on or after attaining the age of sixty years, or**
3. **On medical grounds,**

That worker shall be paid a severance pay of one week's wages in respect of each complete year of service.

OVER TEN (10) YEARS

Where a worker has been continuously employed by any employer for a period of ten (10) years and his employment is:

1. **Terminated by the employer for reasons, which do not amount to dismissal, or**

2. Ended because the worker retires on or after attainment the age of sixty years or on medical grounds, or
3. Worker abandons the service of an employer for good and sufficient cause or,
4. A worker who resigns after a minimum of ten (10) years is eligible for a gratuity equal to severance pay, or
5. Terminated on the expiration of a contract for a definite period.

That worker shall be paid a severance pay of two weeks' wage in respect of each completed year of service.

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

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

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

DUTIES AND RESPONSIBILITIES

In every contract of service it is expressed or implied that there are certain duties arising from the contractual relationship between the employer and worker. Some duties and responsibilities include:

The Worker:

1. Every worker shall have the responsibility to his employer to perform his contract of service to the best of his ability;
2. To support his trade union;
3. To ensure that his action do not prejudice his colleagues general well being including their health and safety;
4. Every worker shall familiarize himself with the terms of his contract and in particular with procedures for dealing with grievances and abide by them;
5. Every worker shall co-operate with his employer in all his reasonable efforts to promote good management practices;
6. Shall sign the attendance register provided by the employer;
7. Shall use the appropriate Personal Protective Equipment's (PPE) provided by the employer at all times when working with hazardous chemicals or machinery;
8. Shall inform the employer before noon when not coming in to work due to illness or any other emergency and shall provide the employer with a medical certificate.

9. He must give a fair day's work for a fair day's pay.
10. Must exercise reasonable care and skill in the performance of his services so as not to cause damage to the employers' property which would result in financial loss to his employer.

The Employer

1. Every employer shall have an obligation to provide the worker with reasonable terms and conditions of employment and ensure that he is fully informed of such terms and conditions at the time of engagement;
2. Shall adopt policies for the social and educational improvement of his worker;
3. Respect the workers' rights to belong to a trade union of his choice;
4. Maintain effective and adequate procedures for negotiation, communication and consultation with workers and organization representing such workers and for the settlement of grievances and disputes;
5. Shall provide clean drinking water and appropriate sanitary facilities at every work site and be in good working condition and kept clean at all times;
6. Shall grant to workers and their representative every facility for communicating freely with any Labour Officer and Employment Officer when on an inspection visit;
7. Shall prepare and keep one or more registers or other records containing information regarding each worker employed:
 - Name and address of each worker
 - Rate of pay
 - Hours and dates of work
 - Rate of overtime
 - Gross pay for each pay period
 - Signature of worker in respect of each pay period (signed pay slips).
8. Shall keep an attendance register that must be signed daily by every worker as to the time of arrival and departure at work;
9. Shall provide the worker with work in accordance with the contract, unless it is broken, frustrated or prevented by an act of God;
10. Shall at the workers request, give to him a certificate stating the duration of the employment, nature of work and wages paid under the contract;
11. Shall make provisions for payment of wages of workers in legal tender;
12. Shall grant workers a break of not less than one (1) hour in the middle of the day wherever the daily hours of work exceed six (6) hours;
13. Shall provide workers with the appropriate PPE's when working with hazardous chemicals or machinery;
14. Shall make deductions from wages towards the workers' Social Security Contributions as per the Social Security Act;
15. Shall make deductions from worker's wages in accordance with the Income Tax Act;
16. The employer must treat his worker with respect; that is, with the appropriate courtesy. He should not treat his worker in an arbitrary or vindictive manner;

LABOUR COMPLAINTS TRIBUNAL

The purpose of the Tribunal is to provide a fair and impartial appeal process for workers, who have lodge complaints of unfair dismissal or wrongful termination.

The worker shall file a complaint to the Tribunal, through the Labour Commissioner within twenty-one (21) days of the date dismissal or wrongful termination.

COMPOSITION OF TRIBUNAL

The Tribunal consists of five persons:

1. An Attorney-at-law nominated by the Chief Justice;
2. A Worker's representative nominated by the National Trade Union Congress of Belize;
3. An Employer's representative nominated by the Belize Chamber of Commerce and Industry;
4. A representative nominated by the Minister of Labour;
5. The Labour Commissioner is an ex officio member.

FUNCTIONS OF THE TRIBUNAL

1. Receive workers complaints of unfair dismissal or wrongful termination
2. Hear appeals from workers regarding their complaints of unfair dismissal or wrongful termination

REMEDIES AWARDED BY THE TRIBUNAL

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:

1. Reinstatement – the worker is to be treated in all respects as if the worker had never been dismissed or terminated;
2. Re-engagement – the worker is to be engaged in work similar 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 given by the Tribunal or agreed by the parties (Tribunal, worker and employer);
3. Compensation – an award of compensation shall be such an amount as the Tribunal considers just and equitable in all 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;
4. The Tribunal may order any other remedies.

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.

OTHER LABOUR LEGISLATIONS

SHOPS ACT

DEFINITIONS:

SHOP - Includes any building or portion of building premises where any wholesale or retail trade or business is carried on transacted and includes any premises in which the business of a barber or hairdresser is carried on.

SHOP ASSISTANT - Any person other than a member of the owner's family mainly employed in or about a shop in connection with the service of customers or the receipt of orders or money or dispatch of goods and includes apprentices, learners and clerical workers employed mainly in connection with the service of customers.

No person under the age of fourteen (14) years shall be employed in or about any shop.

RESTRICTION ON WORKING HOURS:

No occupier shall employ a shop assistant in or about a shop:

1. On Sundays and Public Holidays; or
2. For a period exceeding eight (8) hours in any day, or forty-five (45) hours in any week, or
3. For more than six (6) days in any week; or
4. Continuously for more than five (5) hours without an interval from work at least one hour;

ANNUAL HOLIDAYS:

Every shop assistant shall be granted not less than two weeks holiday on full pay in respect of each completed year of service.

AVERAGE VACATION PAY:

Any shop assistant whose service is terminated before completing a year of service shall be paid an average vacation pay. The formula is as follows:

$$1/6 \times \text{weekly wage} \times \text{number of months worked} = \text{Average Vacation Pay}$$

PUBLIC AND BANK HOLIDAY:

Where any public and bank holiday occurs during any period of annual holiday taken by a shop assistant, the period of the holiday shall be increased by one day in respect of each public and bank holiday.

NOTICE OF OPENING HOURS

The owner of every shop shall affix and keep in or on such shop in a conspicuous place, so as to be visible at all times, a notice specifying the opening and closing hours of the shop on every business day.

RECORDS

The owner of every shop should have a notice of the working hours of every shop assistant. This notice should be exhibited in such a manner that it can be readily seen and read by every shop assistant.

The owner shall keep a "Register of Hours of Work" and shall ensure that each shop assistant daily records therein the time at which he commences and ceases to work.

The owner shall keep an "Overtime Register" in which shall be recorded the overtime hours worked, in respect of every shop assistant employed in the shop.

The owner shall keep an "Annual Holiday Register" in which shall be recorded the annual holiday taken or paid for, in respect of every shop assistant employed in the shop.

WEEKLY HALF- HOLIDAY

Shop assistants are entitle to a half-holiday every week. The following days are as follows by area:

1. For the city of Belize and for the towns of Corozal, Orange Walk, Dangriga, San Ignacio and Benque Viejo del Carmen is Wednesday or Saturday;
2. For the town of Punta Gorda is Tuesday or Thursday.

FACTORIES ACT

This act is intended to cover any factory in any premises wherein or within the close or cartilage or precincts of which, steam, electric, water or other mechanical power is used in aid of any industrial or manufacturing process carried on.

Every existing factory and every new factory shall be registered at the Labour Department.

Every certificate of registration issued by the Department shall be renewed on an annual

basis:

1. The owner of the factory should submit an application to the nearest Labour Department;
2. Upon receipt of an application the Labour Department will inspect the factory;
3. If the Department is satisfied that no grounds exist for refusing registration, upon payment of the prescribed fees, the factory will be registered and a certificate of registration will be issued to the owner.

The inspection of all factories and of all machinery shall be exercised by Inspectors appointed by the Labour Department.

Detailed regulations on the safety, health and welfare, hours of employment of women and young persons and duties can be found in the Factories Regulations. A copy of the Regulations can be found on the website www.belize.gov.bz.

GOVERNMENT WORKERS' REGULATIONS (GWR)

The GWR regulates the terms and conditions of employment mainly of open vote workers in the Public Sector and other similar institutions.

CLASSIFICATION OF WORKERS

Category A: workers engaged for any permanent "round the year service or workers who have service for five (5) years or more and whose employment is not intended to be permanent round the year service, including workers whose employment is intended to be for a particular project only.

Category B: workers with less than five (5) years' service whose employment is not intended to be permanent "round the year service," including workers whose employment is intended to be for a particular project only.

ANNUAL LEAVE

Category "A" Workers with five (5) years' service or more - Sixteen (16) working days leave on full pay for every twelve consecutive months of employment

Category "A" Workers with less than five (5) years service - Fourteen (14) working days leave on full pay.

Category "B" Workers - Two (2) working weeks annual holiday on full pay,

AVERAGE VACATION LEAVE

Where any worker employed for at least 2 months for category "B" workers and is terminated before he becomes entitled to an annual leave, the employer must pay him, his average holiday pay.

SICK LEAVE

If a worker falls ill during his employment he shall receive free medical treatment, in hospital if necessary. If a worker is in Category "A", or had worked for the Government for at least thirty (30) consecutive working days during the twelve (12) months preceding his illness, he may be granted sick leave on full pay for not more than twenty-eight (28) days in any one calendar year. Provided that in cases meriting special consideration a longer time may be granted.

OVERTIME

Workers shall be paid overtime in accordance with the Labour Act; however it shall not apply to the following workers:

- a. Workers employed in the rearing and/or tending of animals and poultry, in cases where a higher or specific scale of wage is paid;
- b. Workers who are employed on piece work and are not continuously supervised, or on task work;
- c. Workers engaged in meeting natural disasters such as forest fire or hurricane emergency etc.

The hours of work for these workers shall be arranged so that workers have two days each week free. If the worker works on a free day, overtime shall be paid at time and a half his regular rate of pay.

STOPPAGE OF WORK

No deduction shall be made from the wages of any worker paid by the month or the week for lost time through rain or not being available for reasons beyond the control of the worker, provided that he has reported for work at the beginning of the work period in question, and is available at the work site throughout the period and further provided that the work site is accessible.

SUBSISTENCE ALLOWANCE AND OTHER ALLOWANCE

Workers who move away from their normal homes, shall unless they are supplied with free rations, be paid during the period of absence from home a subsistence allowance or where applicable a meal allowance.

As long as accommodation is not provided, workers who are moved away from their normal homes shall be paid a lodging allowance, provided that payment of lodging allowance shall cease under expire of the worker's eligibility to be paid subsistence allowance.

If a worker is transferred to another place of employment other than his normal home; he shall receive subsistence for a period not exceeding ninety (90) days.

TRANSFERS

As far as possible, transfers must be planned in such a way as not to disrupt officers with children attending school during the current school year and adequate notice of transfer shall be given to the worker and allow time to make proper arrangements for their families. Transfers shall be for the benefit of the Public Service, as well as the workers and shall not be used as a punitive measure. Transfers shall not be arbitrary.

RETIREMENT BENEFITS

A pension as provided for in the Pensions Act, should be paid to every open vote worker who has worked in the Public Service under the Government of Belize for fifteen (15) years or more and retires or resigns.

Death in harness benefits shall be granted pursuant to the Pensions Act and Pensions Regulations.

A worker with a minimum of ten years continuous service with the Government can also choose to resign his employment and, if his resignation is accepted, be eligible for a gratuity. The above retirement benefits shall be computed using the same formula provided in the Pensions Act and the Pensions Regulations.

SEVERANCE

In the event of termination of employment on the grounds of redundancy, a worker who has served a minimum of five (5) years shall be entitled to one (1) week's wage for each year of service as severance pay.

DISMISSAL

A worker who is dismissed by his Head of Department may in the first instance appeal to the Chief Executive Officer of the Ministry in which he was working, and then if necessary, to the Labour Commissioner.

WAGES COUNCILS ACT

This Act regulates the manner in which the Wages Council is established, the making of Wages Council Orders and the effect and enforcement of Wages Regulation Orders.

A Wages Council is established to effectively regulate the wages of workers in industries where there is no adequate machinery for collective bargaining. Before establishing such Wages Council a notice of intention to make the order is published and objections to such order can be made within twenty one (21) days of such publication.

The Minister of Labour can abolish such order at any time or vary the field of operation of the Council. The Minister can also refer to the Council any matter with reference to industrial conditions prevailing, in respect to workers and employers. Recommendations can then be made by the Council.

The Wages Council have the power to submit to the Minister proposals for fixing the wage and/or holiday pay of workers in any category of work and for requiring such workers to be allowed holidays by their employers. Before submitting such proposal the Wages Council shall make investigations and publish notice of such proposal. The Minister shall consider or re-submit the proposal to the Council for amendment. Once a wage regulation order is made the Council then shall give notice of the Order and the contents to inform all persons who will be affected.

If a worker is affected by the regulation order where his employer provides for less payment of wage, the statutory minimum wage shall apply. If the contract provide for the payment of any holiday pay at times or subject to conditions less than what the Order specifies, the times and conditions specified in the Order shall apply.

Any person who fails to comply with the Order commits an offence and **on the prosecution of any person for failing to pay minimum wage it shall lie on that person to prove that he has not paid wage less than the statutory minimum wage.**

The employer of any worker shall keep records to show whether or not the provisions of the Order are being complied with and the records are to be retained by the employer for at least six (6) years. The employer shall post in prescribed manner notice to inform workers of any wage regulation proposals or wage regulations order affecting them.

TRADE UNIONS ACT

The Registrar General shall keep a register of all trade unions registered under the Trade Unions Act and shall discharge all the duties required therein and by the regulations.

Any seven or more members of a trade union may by subscribing their names to the rules of the union and complying with the provisions within the Trade Unions Act in respect to registration, register such Trade Union.

If any of the purposes of a trade union be unlawful, such trade union shall not be registrable

and if it is registered such registrations shall be void.

Any trade union that is registered may purchase or take upon lease, in the names of the trustees for the time being of the union, any land, and may sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom (every branch of a trade union shall be considered a distinct union).

The Trustees of any registered trade union or any other officer of such trade union authorised to do so by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law or equity, touching or concerning the property, right or claim to property of the trade union, and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office. No such action, suit, prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but it shall and may be proceeded in by their successor or successors.

Every treasurer or other officer of a registered trade union should render or upon being required to do so, shall render to the trustees of the trade union, or to the members thereof, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons approved by the Registrar.

Every registered trade union shall have a registered office to which all communications and notices may be addressed.

The rules of every trade union shall provide for the manner of dissolving it and notice of dissolution of a trade union under the hand of the secretary and seven members of the union shall be sent within fourteen days thereafter to the Registrar, and shall be registered by him.

A general statement of the receipts, funds, effects and expenditure of every registered trade union shall be transmitted to the Registrar before 1st June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date, to which it is made out, of the trade union. The annual reports in respect of the matters transacted by the Registrar in relation to the Act shall be laid before the National Assembly.

An agreement or combination by two or more persons to do or procure to be done any act in contemplation of or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime. Nothing shall

exempt from punishment any person who commits a conspiracy for which a punishment is awarded by any law in force in Belize.

An action against a trade union whether of workmen or masters or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortuous act alleged to have been committed by or on behalf of trade union shall not be entertained in any court. Nothing shall affect the liability of the trustees of a trade union to be sued in respect of any tortuous act committed by or on behalf of the trade union in contemplation of or in furtherance of a trade dispute.

SETTLEMENT OF DISPUTES IN ESSENTIAL SERVICES ACT

The Settlement of Disputes (Essential Services) Act applies to trade disputes in any of those services rendered by whomsoever to the public which are deemed to be Essential Services and to persons employed by the Government, in the same way as if they were workmen employed by or under a private person.

The purpose of settling trade disputes which cannot otherwise be determined are dealt with by an Essential Services Arbitration Tribunal, otherwise known as “the Tribunal.”

The Tribunal consists of three persons appointed by the Minister and two other members, one of whom shall be chosen to represent employers and the other to represent workers.

Panels of persons chosen to represent employers and workers respectively shall be constituted by the Minister after consultation with Employers’ and Workers’ Organization; and the members chosen to represent employers and workers at any sitting of the Tribunal shall be selected by the Minister from the panels.

Any Trade Disputes may be reported to the Minister by either party to the dispute, and the decision of the Minister as to whether a dispute has been so reported to him or not and as to the time at which a dispute has been so reported shall be conclusive for all purposes.

The Minister shall consider any dispute reported to him, if in his opinion suitable means for settling the dispute already exist by virtue of the provisions of any agreement to which the parties are organizations representative of workers and employers respectively, he shall refer the matter for settlement in accordance with those provisions. Where a matter has been referred for settlement and there is a failure to reach a settlement or in the opinion of the Minister, a settlement is unduly delayed, he may cancel the reference and substitute therefore a reference to the Tribunal.

Where no suitable means of settlement exist the Minister shall take any steps which seem to him expedient to promote a settlement of dispute and may refer the matter for settlement to the Tribunal.

Where steps to promote a settlement of the dispute have been taken and those steps have not resulted in a prompt settlement of the dispute, the Minister shall refer the dispute for

settlement to the Tribunal and shall do so within twenty-one days of the date on which the dispute was reported to him unless special circumstances of the case make it necessary or desirable to postpone such reference.

Where a disagreement exists among the members of the Tribunal relating to any agreement, decision or award to be made on any dispute, the majority shall prevail, and in the case of an equality of votes on such then the Chairman shall have a casting vote.

The Tribunal shall make its award or furnish its advice without delay and within twenty one days from the date of reference where practicable. An award on any matter referred to the Tribunal for settlement may be made retroactive to such date not being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Tribunal as to the date on which the dispute arose shall be final.

An employer shall not declare or take part in a lock out and a worker shall not take part in a strike in connection with any trade disputes, unless the dispute has been reported to the Minister and a period of twenty one days has elapsed since the date of the report and the dispute has not during that time been referred by the Minister for settlement.

TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT

This Act may be cited as the Trade Disputes (Arbitration and Inquiry) Act. The application of this act shall not apply to persons in the naval, military, or air services of the Crown, or to the police department, but otherwise shall apply to workmen employed by or under the Crown in the same manner as if they were employed by or under a private person.

Trade Dispute means any dispute or difference between employers and workmen, or between workmen and workmen, or between employers and trade unions, connected with the employment or non-employment, or the terms of the employment, or the conditions of labour, of any person, or trade union recognition.

Any trade disputes may be reported to the Minister by any party, and he shall thereupon take the matter into consideration and take such steps as seem to him expedient for promoting the settlement thereof.

Where a trade dispute exists the Minister may, if he thinks fit and if both parties consent, refer the matter for settlement to an **Arbitration Tribunal** constituted of either –

1. A sole arbitrator appointed by the Minister
2. An arbitrator appointed by the Minister, assisted by one or more assessors nominated by or on behalf of employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Minister:
 - Provided that the award shall be made and issued by the arbitrator only.
3. One or more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workmen

concerned, and an independent Chairman, all of whom shall be appointed by the Minister:

- Provided where all the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the Chairman as sole arbitrator.
4. Where there are existing arrangements for settlement by conciliation or arbitration of disputes in pursuance of an agreement between organizations of employers and organizations of workers, the Minister shall not refer the matter for settlement in relation to arbitration unless and until there has been a failure to obtain a settlement by means of those arrangements.

Any award of an Arbitration Tribunal shall be submitted to the Minister who shall within thirty days thereafter cause it to be published in such manner as he thinks fit.

Where any trade dispute exists or is apprehended, the Minister may, inquire into the causes and circumstances of the dispute, and refer any matters appearing to him to be connected with or relevant to the dispute to a **Board of Inquiry** appointed by him for the purpose of such reference, and the Board shall inquire into the matters referred to it and report thereupon to the Minister.

A Board of Inquiry may submit interim reports and any minority reports to the Minister, who may cause to be, published any information obtained or conclusion arrived at by the Board as the result or in the course of inquiry. There is certain information that cannot be published that has come about as a result of inquiry unless consent is given for the information to be published.

An Arbitration Tribunal and a Board of Inquiry shall have power to summon any person to attend before the Tribunal or Board, to give evidence that is in his possession or under his control. All persons summoned to attend and give evidence before a Tribunal or Board:

- Shall be bound to obey the summons served upon him
- Shall be entitled to the same right or privilege as before a court of law
- Shall be entitled to be paid their expenses, at the rates prescribed for witnesses for the Supreme Court who are entitled to have their expenses paid from public funds.

It shall be at the discretion of a Tribunal or Board to permit any interested person to appear by attorney-at-law in any proceedings or inquiry. It is also discretionary for the Tribunal or Board to admit or exclude the public or the press from any of its sittings. Whenever the press has been allowed to be present at a sitting of the Tribunal or Board, a fair and accurate report or summary of the proceedings including the evidence adduced at that sitting may be published. No comment shall be published in respect of the proceedings or the evidence until the award or result of the inquiry has been published by order of the Minister.

Any person who-

1. Without sufficient cause, fails or refuses when ordered by a Tribunal or Board to furnish in writing or otherwise such particulars as may be required; or

2. Without sufficient cause, fails or refuses to attend before a Tribunal or Board in obedience to a summons or fails or refuses to produce any paper, book, record or document which it was required by such summons to produce; or
3. Being a witness, leaves the Tribunal or Board, without permission; or
4. Being a witness, refuses without sufficient cause to answer any question put to him by or with the permission of the Tribunal or Board; or
5. Willfully obstructs or interrupts the proceedings of a Tribunal or Board,
6. 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.

TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS (REGISTRATION, RECOGNITION AND STATUS) ACT

The Act seeks to: (i) secure, promote and protect the basic rights of every employee at work, including public officers in government workplaces to belong or not to belong to a trade union of choice; (ii) secure, promote and protect the basic rights of employers right to combine into Employers' Organization and Federations; (iii) provide for remedies for breach of employees fundamental rights; (iv) promote a system of registration and removal from the register of trade unions by the Registrar; and (v) a system of certification and decertification by the Tripartite Body; (vi) a system of appeal against the decision of the Registrar and the Tripartite Body; (vii) give effect to the international law obligations of the Government of Belize relating to freedom of association and the right to collective bargaining.

The Act applies to all employees, and employers, including Government workplaces and workers except the Belize Defence Force, Belize Police Department, Prison Service and the Belize Fire Department.

TRADE UNIONS

There are thirteen (13) active Trade Unions in Belize and these cover workers in the field of education, sugar, citrus, shipping, lumber, public service and miscellaneous employment.

The **CONSTITUTION OF BELIZE** guarantees the individual freedom of Association. Under the **TRADE UNIONS & EMPLOYERS' ORGANIZATIONS (REGISTRATION, RECOGNITION AND STATUS) ACT**, Part II Section 4 and the **LABOUR ACT**, section 30, any worker has the right: -

- a. To join a registered trade union of his choice;
- b. To participate in the activities of a registered trade union as an officer or otherwise;
- c. To associate with any other persons for the purpose of organizing or forming a trade union.

The major purpose of a trade union is to negotiate better terms and conditions of employment and other benefits for its members other than those already provided by statute laws. Agreements are reached through negotiations referred to the process known as Collective Bargaining.

In Belize, Collective Agreements by either party are now enforceable by law like other contracts under the **TRADE UNIONS & EMPLOYERS' ORGANISATIONS (REGISTRATION, RECOGNITION AND STATUS) ACT, 2000.**

One of the ways in which the Labour Department helps to promote good industrial relations is through a tripartite approach to economic and social development by which trade unions and employers' organizations, together with government authorities by providing guidance to workers and employers on how best to ensure the orderly conduct of industrial relations.

In view of the repercussions to industrial relations where the parties to the collective agreements are in dispute, machinery for the settlement of labour disputes is very important. Government, therefore, through the Labour Department, facilitates the settlement of disputes through methods of conciliation/mediation and voluntary arbitration, and thus helps to keep to a minimum the economic consequences of disagreements between employers and workers. This process is made possible under the **SETTLEMENT OF DISPUTES IN ESSENTIAL SERVICES ACT** Chapter 298, the **TRADE DISPUTES (ARBITRATION AND INQUIRY) ACT**, Chapter 299 of the Laws of Belize, and the **TRADE UNIONS & EMPLOYERS' ORGANIZATIONS (REGISTRATION, RECOGNITION AND STATUS) ACT, 2000.**

APPOINTMENT OF THE TRIPARTITE BODY

1. The Minister may, after consultation with the representatives of the Trade Unions and Employers' Organizations appoint a Tripartite Body;
2. The Tripartite Body is made up of:
 - a. Three representatives nominated by the Minister;
 - b. Three representatives nominated by the Employers' Organizations;
 - c. Three representatives nominated by the Trade Unions.

APPOINTMENT OF THE REGISTRAR

The Minister may, after consultation with representatives of the Trade Unions and Employers' Organizations appoint a Registrar of the Trade Unions and Employers' Organizations under section 12 of the Act.

FUNCTIONS OF THE TRIPARTITE BODY

1. **Certification of Trade Unions for the purpose of negotiating any collective**

- bargaining agreement;
2. **Taking of Polls where two or more Trade Unions are competing for representational rights of the bargaining unit; or where an employer rejects representational rights of a Trade Union that has applied to the Tripartite Body for certification;**
 3. Taking of Surveys where an employer accepts representational rights of the Trade Union to represent the bargaining unit;
 4. **Hearing of Appeals against the decision of the Registrar in regards to cancelling and suspending certificate of registration of the Trade Union or Employer Organization; or in regards to being struck off the register for non compliance with the Act.**

OF THE REGISTRAR

1. **Registration of Trade Unions and Employers' Organizations;**
2. **Annual Returns shall be submitted to the Registrar by Trade Unions and Employers' Organization by June 30th of each year;**
3. **Shall keep a Register of Trade Unions and Employers' Organizations;**
4. **Shall have the power to suspend or cancel Registration of any Trade Union or Employer Organization for non compliance with the Act;**
5. **Shall have the power to strike off the register any Trade Union or Employer Organization for non compliance with the Act.**

REGISTRATION OF TRADE UNIONS AND EMPLOYERS' ORGANIZATION

Pursuant to section 13, subsection (2) Only Trade Unions and Employers' Organizations' registered under this Act shall enjoy and be entitled to the rights, benefits and advantages conferred on them and their members by this Act, and no Trade Union or Employers' Organization which is not registered under this Act shall be legally recognized as such.

CERTIFICATE

Pursuant to section 13, subsection (8) every trade union or employers' organization which is registered under this Act shall be issued with a Certificate of Registration by the Registrar.

RETURNS OF TRADE UNIONS AND EMPLOYERS' ORGANISATIONS

Pursuant to section 15 (1) every Trade Union or Employers' Organization shall submit to the Registrar, by the 30th day of June in each year, a return which shall include:-

- a. **The registered address of the Trade Union or Employers' Organization;**
- b. **The names and addresses of all the officers of the Trade Union or Employers' Organization;**

- c. **The total number of the fully paid-up members of the Trade Union or Employers' Organization;**
- d. **An audit financial statement of the Trade Union or Employers' Organization.**

INTERNATIONAL LABOUR ORGANIZATION CONVENTIONS ACT

International Labour Organization (ILO) Conventions ratified by Belize have the force of law in Belize. This Act should be read and construed as being in addition to the Labour Act. But where there is a conflict between the provisions of this Act and the Labour Act the provisions of this Act shall prevail.

A full listing of the ILO Conventions ratified by Belize are listed in the appendix of this booklet.

EQUAL PAY ACT

The Equal Pay Act makes provision for the removal and prevention of discrimination based on the sex of the employee, in the rates of remuneration for males and females, and males and males, and females and females in paid employment.

DEFINITION:

Equal Pay means a rate or scale of remuneration for work in which rate or scale there is no element of differentiation among male and female employees based on the sex of the employees.

Equal work means work performed for one employer by male and female employees in which:-

1. The duties, responsibilities or services to be performed are similar or substantially similar in kind, quality and amount;
2. The conditions under which such work is performed are similar or substantially similar;
3. Similar or substantially similar qualifications, degrees of skill, effort and responsibility are required; and
4. The difference (if any) between the duties of male and female employees are not of practical importance in relation to terms and conditions of employment or do not occur frequently.

No employer shall fail to pay equal pay for equal work, discriminate between male and female workers employed by his establishment. If any employer fails to pay equal pay for equal work commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term of six months.

Every employer who employs both men and women shall keep records of remuneration as

are necessary to show that the provisions of the Equal Pay Act are being complied with in respect of persons employed by him.

TEMPORARY EMPLOYMENT PERMITS

Any foreigner who intends to work in Belize has to apply for a temporary employment permit (TEP). The application should be submitted to the nearest Labour Department where the applicant will be employed. The applicant and the employer will be interviewed by the Labour Officer. The completed application is then submitted to the National Work Permit Committee that reviews all applications. If the application is approved the Committee issues a voucher to the Director of Immigration and Nationality Services who then issues the TEP to the applicant.

The TEP entitles the holder to enter Belize and remain in that employment for a specific period. The Director of Immigration and Nationality Services may cancel a TEP if the person fails to take up or continue the employment stated on the TEP.

The requirements for a TEP are located in the appendix of this booklet.

PUBLIC EMPLOYMENT SERVICES

The Public Employment Services (PES) forms the core of the Labour Market Information System. It facilitates a “marriage” between employers and job seekers. Employers are able to access information on job seekers while job seekers, on the other hand, are able to conduct job search.

The PES offers the following services: -

- Opportunity for employers:
 - to post vacancies
 - conduct search for candidates
 - receive related labour market services
 - employers can have access to the Labour Department’s conference room for conducting interviews
 - Access to trainings such as customer service, work ethics, labour legislations.
- Opportunity for job seekers:
 - to post resumes
 - conduct job search

- receive related labour market service
- access to trainings such as job preparedness, customer service, work ethics, labour legislations, career counselling and guidance.
- Opportunity for the Labour Department to develop a skills bank on the information submitted by employers and job seekers.

Registration is free of cost and can be done at any of the Labour Department offices countrywide.

NATIONAL HIV AND AIDS WORKPLACE EDUCATION PROGRAMME

In 2003 the International Labour Organization (ILO) and the United States Department of Labour (USDOL) funded the Workplace Education Programme in Belize to systematically target the country's working population to protect it from the impact of HIV. When the Programme ended in March 2007 the Ministry of Labour continued the Programme's activities and renamed the Programme, the National HIV and AIDS Workplace Education Programme. The Program's ultimate goal remain the same, which is to contribute to the prevention of HIV and AIDS in the world of work, the enhancement of workplace protection and the reduction of its adverse consequences on social, labour, and economic development.

The Ministry of Labour recruits workplaces to be apart of the Programme. Recruited companies would sign a Memorandum of Understanding with the Labour Department. The Ministry would then provide HIV education with an emphasis on policy development to the recruited workplaces. A workplace policy on HIV and AIDS provides employers and workers with a tool to address all issues concerning HIV at the workplace.

GLOSSARY

Child: means a person who is under the age of fourteen years.

Collective agreement: is 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.

Continuous employment: is an employee's period of uninterrupted employment with the

same employer or the successor employer under section 184

“Contract of employment” or “Contract of service”: is an 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.

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.

Family responsibilities: is responsibilities of the employee to care for or support; (a) dependent child of the worker; or (b) any other immediate family member who is in need of care and support.

Gross Misconduct: is misconduct that is such that the employer cannot reasonably be expected to take any course other than to terminate the employment of the worker.

Immediate family member: is the spouse of worker, or child, parent or grandparent.

Lockout: is 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.

Redundancy: is the loss of employment pursuant to section 45 of the Labour Act.

Redundancy benefit: is 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 the Labour Act.

Strike: is 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 of his bargaining agent, of conditions of employment which his workers have requested and which request has been refused.

Summary dismissal: is the termination of the contract of employment by the employer without notice or other termination benefits payable under section 183 (severance pay) of the Labour Act.

Worker or Employee: means a person who has entered into or works under a contract with an employer under a contract of employment.

Young Person: means a person who has attained the age of fourteen years but is under the age of eighteen years.

APPENDIX 1 **ESSENTIAL SERVICES**

Services that are deemed as Essential Services are as follows:

1. Airports (Civil Aviation and Airport Security Services)
2. Electricity Services
3. Health Services
4. Hospital Services
5. Monetary and Financial Services (Banks, Treasury, Central Bank of Belize)
6. The National Fire Service
7. The Port Authority (Pilots and Security Services).
8. Postal Services
9. Sanitary Services
10. The Social Security Scheme administered by the Social Security Board
11. Telecommunications Services
12. Telephone Services
13. Water Services

14. Services in which petroleum products are sold, supplied, transported, conveyed, handled, loaded, unloaded or sold.

APPENDIX 2
REGISTERED TRADE UNIONS IN BELIZE

<u>NAME</u>	<u>CLASS OF PERSONS COVERED</u>
Public Service Union (P.S.U.)	Government Public Officers & Open Vote Workers
Christian Workers' Union (C.W.U)	General Workers
Belize National Teachers' Union (B.N.T.U)	Teachers
Belize Water Services Workers Union (B.W.S.U)	General Workers
Association of Public Service Senior Managers (APSSM)	Heads of Government Departments
Belize Workers' Union (B.W.U)	General Workers
Belize Energy Workers' Union (B.E.W.U)	General Workers
Belize Progressive Teachers' Union (B.P.T.U)	Teachers
Belize Communication Workers' Union (B.C.W.U)	General Workers
Belize Co-Generation Workers' Union	General Workers
Technical, Administrative, Medical And Managerial Workers Union	
Trade Union for Tourism and Allied Service Professionals	
National Trade Union Congress of Belize	

APPENDIX 3
REGISTERED EMPLOYERS' ORGANIZATIONS IN BELIZE

<u>NAME</u>	<u>SECTORS COVERED</u>
Belize Business Bureau	All Sectors
Belize Chamber of Commerce and Industry	All Sectors

APPENDIX 4
RATIFIED ILO CONVENTIONS

Belize has ratified forty-five (45) ILO Conventions, which are in force:

Co. No.	Convention	Date Of Ratification
8	Unemployment Indemnity (Shipwreck) Convention, 1920	15.12.1983
11	Right of Association (Agriculture) Convention, 1921	15.12.1983
12	Workmen's Compensation (Agriculture) Convention, 1921	15.12.1983
14	Weekly Rest (Industry) Convention, 1921	22.06.1999
16	Medical Examination of Young Persons (Sea) Convention, 1921	15.12.1983
19	Equality of Treatment (Accident Compensation) Convention, 1925	15.12.1983
22	Seamen's Articles of Agreement Convention, 1926	15.12.1983
23	Repatriation of Seamen Convention, 1926	15.07.2005
26	Minimum Wage-Fixing Machinery Convention, 1928	15.12.1983
29	Forced Labour Convention, 1930	15.12.1983
42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934	15.12.1983
55	Shipowners' Liability (Sick and Injured Seamen) Convention, 1936	15.07.2005
58	Minimum Age (Sea) Convention (Revised), 1936	15.12.1983
81	Labour Inspection Convention, 1947	15.12.1983
87	Freedom of Association and Protection of the Right to Organize Convention, 1948	15.12.1983
88	Employment Service Convention, 1948	15.12.1983
89	Night Work (Women) Convention (Revised), 1948	15.12.1983
92	Accommodation of Crews Convention (Revised), 1949	15.07.2005
94	Labour Clauses (Public Contracts) Convention, 1949	15.12.1983
95	Protection of Wages Convention, 1949	15.12.1983
97	Migration for Employment Convention (Revised), 1949	15.12.1983
98	Right to Organize and Collective Bargaining Convention, 1949	15.12.1983
99	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	15.12.1983

100	Equal Remuneration Convention, 1951	22.06.1999
101	Holiday with Pay (Agriculture) Convention, 1952	15.12.1983
103	Maternity Protection Convention (Revised), 1952	06.03.2000
105	Abolition of Forced Labour Convention, 1957	15.12.1983
108	Seafarers' Identity Documents Convention, 1958	15.12.1983
111	Discrimination (Employment and Occupation) Convention, 1958	22.06.1999
115	Radiation Protection Convention, 1960	
	15.12.1983	
116	Accommodation of Crews (Supplementary Provisions)	
	15.07.2005	
	Convention, 1970	
134	Prevention of Accidents (Seafarers) Convention, 1970	15.07.2005
135	Workers' Representatives Convention, 1971	
	22.06.1999	
138	Minimum Age Convention, 1973	
	06.03.2000	
140	Paid Educational Leave Convention, 1974	22.06.1999
141	Rural Workers' Organizations Convention, 1974	22.06.1999
144	Tripartite Consultation (International Labour	
	06.03.2000	
	Standards) Convention, 1976	
147	Merchant Shipping (Minimum Standards) Convention, 1976	
	15.07.2005	
	(and its Protocol)	
150	Labour Administration Convention, 1978	06.03.2000
151	Labour Relations (Public Service) Convention, 1981	22.06.1999
154	Collective Bargaining Convention, 1981	22.06.1999
155	Occupational Safety and Health Convention, 1981	
	22.06.1999	
156	Workers with Family Responsibilities Convention, 1981	22.06.1999
182	Worst Forms of Child Labour Convention, 1999	06.03.2000
183	Maternity Protection Convention, 2000	09.11.2005

APPENDIX 5
TEMPORARY EMPLOYMENT PERMITS REQUIREMENTS

1. **Valid Passport - Copy of Bio Data and all stamped pages, including legal status**
2. **Application Form - Sold at Angelus Press Limited or Local Book Stores**
3. **Three Recent Photographs - Passport size**
4. **Police Record - Must be signed by applicant**
5. **Receipt for \$25.00 Administration Processing Fee - Sold at the Treasury Department**
6. **\$20.00 worth of postage stamps - Sold at the Post Office or Treasury Department**
7. **Three Job Advertisements clippings from local newspaper**

8. **Business Plan (Self-employed applicant)**
9. **Bank Statement from employer - if self employed/voluntary—statement how applicant will sustain himself**
10. **Trade License from City Council or Town Council**
11. **Letter of intent to employ - recommendation letter from the Village Council; letter of recommendation from employer, letter of recommendation from church (missionary work)**
12. **Registration Certificate for business, church, NGOs, etc.**
13. **Qualifications - Applicant's diplomas, certificates, etc.**
14. **Recommendation Letter of Support from relevant Ministries or Local Organization concerned with category of employment involved, e.g. Ministry of Tourism, Ministry of Education, Village Council, relevant associations, religious denomination. Applications in respect to Companies - documentary evidence of Incorporation and Old Company Tract Record, Beltraide and EPZ Committee, etc.**
15. **Other relevant documents - Land Title, Food Handlers Certificate, Birth Certificates for children, Marriage Certificate, Missionary ID, etc.**

Note: Must present all original documents along with copies. If only copies are presented, the copies must be certified by a Justice of the Peace. Any document presented in any other language other than English, then it should be translated and signed by a Justice of the Peace.

Allow three to four weeks for processing of the permit.

APPENDIX 6
THE PUBLIC HOLIDAYS PRESCRIBE BY LAW ARE

<u>HOLIDAY</u>	<u>OVERTIME RATE</u>
1. New Years Day	1 1/2
2. Baron Bliss Day (9th March)	1 1/2
3. Good Friday (as it falls each year)	2
4. Holy Saturday (as it falls each year)	1 1/2
5. Easter Monday (as it falls each year)	2
6. Labour Day (1st May)	1 1/2

7. Commonwealth Day (24th May)	1 1/2
8. St. George's Caye Day (10th September)	1 1/2
9. Independence Day (21st September)	1 1/2
10. Pan American Day (12th October)	1 1/2
11. Garifuna Settlement Day (19th November)	1 1/2
12. Christmas Day (25th December)	2
13. Boxing Day (26th December)	1 1/2

APPENDIX 7
LABOUR DEPARTMENT

GENERAL OFFICE	Belize City	207-4023
207-4027	Employment Exchange	207-6209
	Employment Exchange	227-6214
	Fax:	
227-4031	Email: sec.bz@labour.gov.bz	
LABOUR DEPARTMENT	Belmopan	822-2663
822-1275	Fax:	
	Email: sec.labour.comm@labour.gov.bz	
LABOUR DEPARTMENT	Corozal Town	422-2179
422-3031	Fax:	
LABOUR DEPARTMENT	Dangriga	522-2102
	Fax:	

522-2102

LABOUR DEPARTMENT

Independence Village

523-2173

Fax:

523-2173

LABOUR DEPARTMENT

Punta Gorda

722-2724

Fax:

722-2724

LABOUR DEPARTMENT

San Ignacio

824-2287

Fax:

824-2287

LABOUR DEPARTMENT

Corozal Free Zone

403-7447

Fax:

403-7447

LABOUR DEPARTMENT

San Pedro Town

206-2700

Fax:

206-2700

LABOUR DEPARTMENT

Orange Walk Town

322-3425

Fax:

322-3425